

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.01.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.23277 of 2017
and
W.M.P.Nos.24379 & 24380 of 2017

P.R.Marimuthu

...Petitioner

Vs

- 1.M/s.Gokula Kannan Chits
Tamilnadu Private Ltd.,
Rep. by its Authorised Persons-Foreman
Mr.R.Venkatesh
No.207, A.K.Complex,
6th Street, Gandhipuram,
Coimbatore.
- 2.The Chit Arbitrator
District Registrar's Office,
Coimbatore.
- 3.The District Registrar (Administration)
District Registrar Office,
District Collector Office Campus,
Coimbatore - 641 018.
- 4.The Inspector General for Registration
No.100, Santhom High Road,
Santhom, Chennai - 600 028. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Arbitration proceedings, in A.O.P.No.3 of 2016 on the file of the Chit Arbitrator-District Registrar, Coimbatore, the 2nd respondent dated 20.01.2016 herein, to quash the same and consequently direct the 1st respondent Chit company to grant the remaining chit price amount to the petitioner.

For Petitioner : Mr.S.Gajendran

For Respondents: Mr.C.R.Prasannan for R1
Mr.P.P.Purushothaman,
Government Advocate for R2 to R4

O R D E R

This writ petition is filed by the petitioner seeking to quash the Arbitrator Proceedings pending on the file of the 2nd respondent/Arbitrator in A.O.P.No.3 of 2016.

2. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the respondents and perused the materials placed before this Court.

3. There is no dispute to the fact that the petitioner has joined the chit with the first respondent Chit Company and consequently, there is a dispute between the parties with regard to the payment of money from one party to another. According to the petitioner, the chit company has to pay some money. On the other hand, it is claimed by the Chit Company, that the petitioner has to pay some money to the Chit Company. Rightly, the matter is now gone before the Arbitrator by filing the Arbitration O.P. Therefore, all the contentions raised by the petitioner before this Court have to be raised only before the Arbitrator, so as to enable him to pass an award on merits and in accordance with law. The apprehension of the learned counsel for the petitioner that the Arbitrator will not act fairly cannot be considered as valid statement without there being any material placed before this Court that the Arbitrator so appointed is acting in favour of the Chit Company. Such vague statement cannot be a ground to quash the proceedings.

6. Accordingly, without expressing any view on the merits of the matter, this Writ Petition is dismissed with liberty to the petitioner to agitate the matter before the Arbitrator. The Arbitrator shall complete the arbitral proceedings and pass an award on merits and in accordance with law after giving due opportunity of hearing the petitioner and also filing their written submissions. Such exercise shall be done by the Arbitrator, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

1.The Chit Arbitrator
District Registrar's Office,
Coimbatore.

2.The District Registrar (Administration)
District Registrar Office,
District Collector Office Campus,
Coimbatore - 641 018.

3.The Inspector General for Registration
No.100, Santhom High Road,
Santhom, Chennai - 600 028.

+1cc to Mr.C.R.Prasannan , Advocate SR.No. 2519
+1cc to Mr.S.Gajendran , Advocate SR.No. 3495
+1 CC TO GOVERNMENT PLEADER SR.NO. 3280

W.P.No.23277 of 2017

A.SK(05/02/2019)



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