

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.4475 OF 2017

and

C.M.P.No.4359 OF 2018

M/s.Shriram City Union Finance Ltd.,
rep. by its authorized signatory
No.117 C, Cherry Road,
Salem-636 007.

... Petitioner

Vs.

1.M/s.Sri Jayaram Silks,
Partnership Firm,
Rep. by its Managing Partner,
K.J.Prakkash

2.K.J.Prakkash

3.K.J.Deepan Kumar

4.K.J.Kannambal

5.N.Murugesan

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the docket order dated 06.04.2017 in I.A.No.616 of 213 in A.O.P.No.39 & 40 of 2013 on the file of Principal District Judge, Salem.

For Petitioner

: Mr.A.Swaminathan

ORDER

The Revision petitioner initiated Arbitration proceedings against the respondents and obtained an Arbitration award. Against the award the respondents preferred an appeal u/s.34 of the Arbitration and Conciliation Act 1996, in A.O.P.Nos.39 and 40 of 2011 in Trade A.O.P.Nos.34 and 33 of 2011 on the file of District Judge, Salem. In the above said appeal, the respondent filed I.A.No.616 of 2013 to call for records of the Arbitration proceedings and to review its evidence to prove that the records are fabricated and fraud is played on them. However, the said petition was dismissed.

2. Unwittingly the said Interlocutory Application was posted for orders awaiting records. Thereafter, the Lower Court dismissed the Interlocutory Application recording the previous dismissal and for the purpose of disposal of the appeal the records of the Arbitration proceedings were called for. The Lower Court in order to verify the correctness of the record and to dispose of the same called for those records. But, the Revision petitioner has challenged the said order on the apprehension that the respondents would be permitted to adduce further evidence as to the genuineness and legality of the documents filed before the Arbitrators.

3. In my considered opinion the apprehension is unfounded. It is made clear that the Lower Court has called for the records for the final disposal of the appeal and not for adducing evidence by the petitioner. In so far as the disposal of the appeal is concerned, it is always open to the Appellate Court to verify the correctness and legality

of the award. Therefore, calling for records of the Arbitration proceedings is not improper or irregular.

With the above observation, this Civil Revision petition is disposed of. No costs, consequently connected miscellaneous petition is closed.

20.08.2019

bkn/kpr

To

The Principal District Judge, Salem.

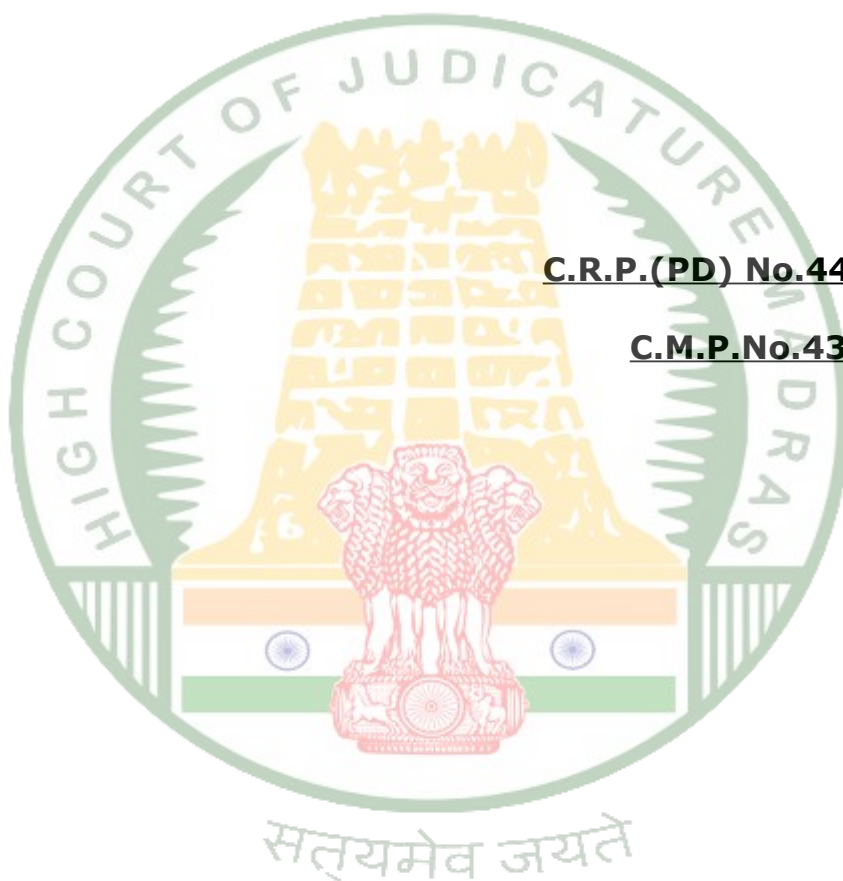


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M.GOVINDARAJ, J

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