

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Arb.OP.No.1170 of 2018
and
Application No.10044 of 2018

K.Nagarajan

...Petitioner

vs.

1.M/s.Shriram City Union Finance Limited,
Rep. by its Legal Manager,
D.Senthil Kumaran,
No.4/289, 1st Floor, Pycrofts road,
Triplicane, Chennai - 600 005.

2.Mr.C.M.Seetharaman,
Sole Arbitrator,
At No.90, Peters road,
New college shopping complex,
Royapettah,
Chennai -14.

3.C.Subramanian

4.S.Kumar

5.Kumar

...Respondents

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PRAYER: Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to stay the operation of the award 17.08.2016 passed in A.C.P.No.(EF) CMS 054 of 2012 by the second respondent herein pending disposal of the above OP.

For Petitioner : No appearance

For Respondents : Mr.Anantha Krishnan

ORDER

The main grounds raised in this Original Petition is that no notice was served on the petitioner regarding the arbitral proceedings and his signature has been forged by one A.Bilavendran and C.Subramanian for receiving loan.

2. Though, the learned counsel for the petitioner is absent today, this Court is inclined to pass orders on merits. Heard the learned counsel appearing for the respondents and perused the materials available on record.

3. A perusal of the earlier order passed by this Court on 18.02.2019 shows that the specific contention of the learned counsel for the petitioner is that no notice was sent to him with regard to the appointment of Arbitrator or

the arbitral proceedings. In view of the above specific submissions made by the learned counsel for the petitioner, this court directed the second respondent, sole Arbitrator to send the entire records pertaining to the impugned Award dated 17.08.2016, bearing reference A.C.P.No.(EF) CMS 054/2012. Those records are now available with this court and a perusal of the same shows that a pre-arbitration notice was sent to the parties on 29.07.2011. In fact, the petitioner who was arrayed as a fourth party therein has received the said notice. An acknowledgment card is also available in the records. It is also seen that on 23.05.2012, paper publication was also effected. Even then, the petitioner had not appeared before the Arbitration proceedings.

4. Therefore, the main contention that the petitioner is not served with notice is found to be false based on the records. The another contention that the petitioner's signature has been forged is raised for the first time before this court. It is for the petitioner to take recourse against the alleged breach of trust and misuse of his signature before appropriate forum.

N.SATHISH KUMAR , J.

mbi

5. Accordingly, this Original Petition is dismissed. No costs.
Consequently, the connected Application is closed.

mbi

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Index : Yes / No
Speaking/Non-Speaking Order



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