



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **30.09.2019**
CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD) No.1510 of 2011
and
M.P. (MD) No.1 of 2011

Rajarathinam

... Petitioner

vs.

Shriram Transport Company Limited,
Thoothukudi,
through its
Branch Manager,
P.Prammanayam,
S/o. Singararavelu,
having his office at
Dr.No.16, 11/1M, Palai Road,
Shriram Complex 2nd Floor,
Thoothukudi District.

... Respondent

Prayer:- This Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 22.12.2010 made in I.A.No.1749 of 2010 in O.S.No.383 of 2009 on the file of the Principal District Munsif Court, Tuticorin.

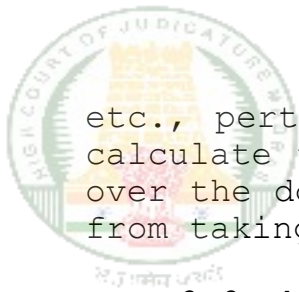
For Petitioner : Mr.S.Siva Thilakar
For Respondent : Mr.Ananth C.Rajesh

ORDER

The above Civil Revision Petition is filed challenging the order passed in I.A.No.1749 of 2010 in O.S.No.383 of 2009 on the file of the Principal District Munsif Court, Tuticorin dated 22.12.2010.

2.The facts in brief are as follows:

2.1.It is the case of the plaintiff that he had borrowed a sum of Rs.5,00,000/- as loan from the defendant to purchase a vehicle namely, Lorry. However, after purchasing the vehicle, none of the documents pertaining to the vehicle namely, RC Book, Insurance, Permit etc., were handed over to him and therefore, he was unable to run and ply the vehicle for hire, for which, he has been compelled to file the suit in O.S.No.383 of 2009 for mandatory injunction directing the defendant to hand over the RC Book, Insurance, Permit



etc., pertaining to the vehicle bearing Reg.No.TN 21-Q-1717 and to calculate the equated monthly installments from the date of handing over the documents and also for injunction restraining the defendant from taking possession of the vehicle.

2.2.The defendant had received the summons in the above suit and after that, they had taken out an application in I.A.No.1749 of 2010 under Section 8 of the Arbitration Act r/w Section 89 (2) (A) of the Code of Civil Procedure to refer the suit to the arbitration. Though the said application was resisted by the plaintiff, the learned Principal District Munsif, Thoothukudi, has referred the matter to the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996. Challenging the same, the plaintiff is before this Court.

3.Heard the learned counsel on either side and perused the papers.

4.Section 8 of the Arbitration and Conciliation Act, 1996 mandates that Courts shall refer the parties to the arbitration where the dispute is the subject matter of an arbitration agreement provided the party applying for such reference has moved the application before submitting his first statement on the substance of the dispute. The language of Section 8 of the Act is peremptory in nature. Considering the fact that the learned Principal District Munsif, Thoothukudi, has followed the mandatory provision under Section 8 of the Arbitration and Conciliation Act, 1996 and referred the matter to the arbitration, I do not find any infirmity in the order passed in I.A.No.1749 of 2010 in O.S.No.383 of 2009 on the file of the Principal District Munsif Court, Tuticorin dated 22.12.2010.

5.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal District Munsif,
Thoothukudi.

+1 CC to Mr.ANANTH C. RAJESH, Advocate (SR-90622[F] dated

<https://hcservices.courts.gov.in/hcservices/>



C.R.P.(MD) No.1510 of 2011

+1 CC to Mr.S.SIVA THILAKAR, Advocate (SR-91054[F] dated
03/10/2019)

C.R.P. (MD) No.1510 of 2011
30.09.2019

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