

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.431 of 2014

G.V.Manivannan

... Petitione

Vs

1.M/s.Shriram City Union Finance Ltd
Rep by its Authorised Signatory
Having their office at
No.123, Angappan Naicket Street,
Chennai – 600 001.

2.Mr.N.M.Karthikeyan,

3.Mr.S.Ragunathan

... Respondents

Prayer: Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award passed by the 2nd respondent dated 24.02.2012.

For Petitioner : Mr.C.Jaya Prakash

For Respondent 1 : Ms.Janani
Mr.K.V.Ananthakrishnan

ORDER

The Guarantor / 2nd respondent is the petitioner before this Court challenging the award dated 24.02.2012 passed by the arbitral Tribunal. The challenge to the award was on the ground that the address of the petitioner has been wrongly given and made to appear as if the petitioner has deliberately not received the notice. Infact, one notice which has been sent to the petitioner was returned with an endorsement "insufficient address". On the basis of this return the learned arbitrator has proceeded to issue a paper publication and consequently passed an award directing the petitioner and the 3rd respondent herein to repay a sum of Rs.1,91,324/- together with future interest at 36 % p.a. from 05.10.2012 to 25.02.2012 and thereafter, at 18 % p.a.

2. After hearing the parties, this Court has perused the records received from the Arbitrator. It is seen that the petitioner herein is a permanent resident of Ayyanavaram, Chennai 23. However, the notice has all been addressed to Chennai 56. Infact an incomplete address has been given in the case of the petitioner herein. The address is given as follows:

*“Mr.G.V.Manivannan,
S/O Varadharajan,
O.No.6, N.No.18,
Veerasamy 2nd St., Chennai – 600 056.”*

3. Considering the fact that there has been a manipulation with reference to the address, the award in so far as it relates to the 2nd respondent / petitioner herein has to be set aside. It is reported that, pursuant to the award the 1st respondent herein has filed an Execution Petition and attached the salary of the petitioner. It is need less to state that the attachment shall stand raised and the 1st respondent Finance Company shall refund the amounts so far received by them pursuant to the order in E.P.No.2007 of 2012 within a period of four weeks.

4. The Original Petition is allowed. There shall be no order as to costs.

25.02.2020

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Index : Yes/No

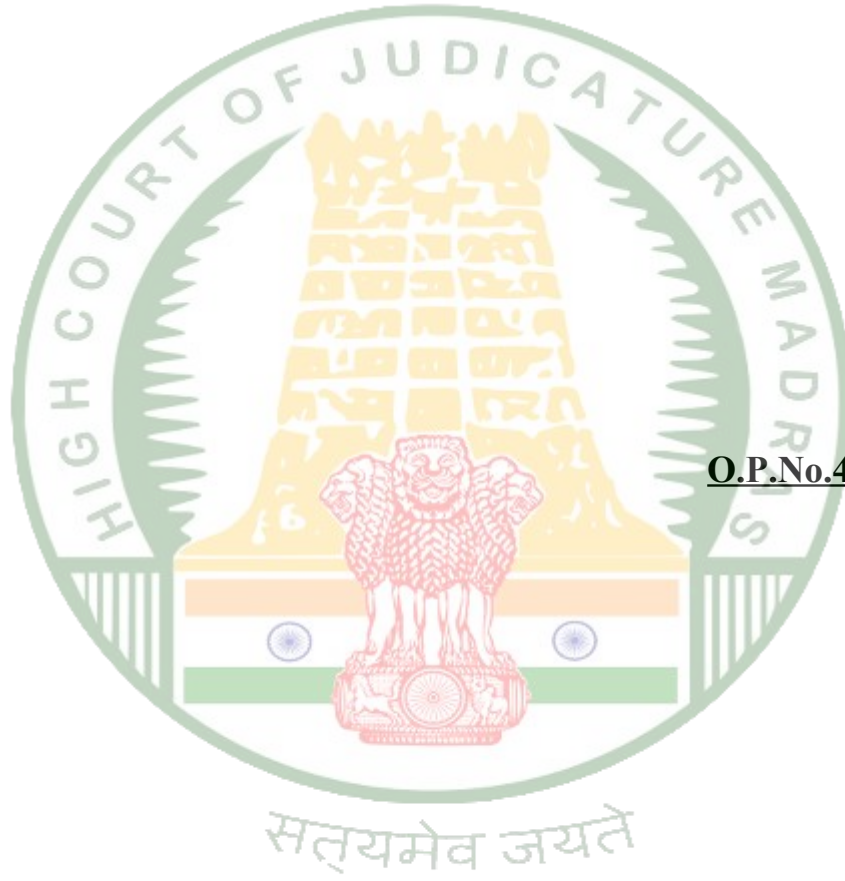
Speaking order/non-speaking order



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P.T.ASHA, J.,

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