

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

CRP(PD).No. 2503 of 2019

1.P.Rajeswari
2.N.Premchandrakumar
3.R.Nagaraj
4.D.Rajewswari

..Petitioners

Vs

M/s.Sakthi Finance Limited
rep by its
Chief Manager (Legal) S.Ragavan
No. 62, Dr.Nanjappa Road,
Coimbatore-641018

.. Respondent

Prayer: Civil Revision Petition is filed under Section 115 of CPC against the Property Tester and Value passed in E.P. No. 106 of 2017 dated 12.06.2019 by the V Additional District Judge, Coimbatore.

For Petitioner : Mr. B.Jaganathan

For Respondent : Mr.K.K. Muralitharan

ORDER

The Civil Revision Petition is filed against the Property Tester and Value passed in E.P. No. 106 of 2017 dated 12.06.2019 by the V Additional District Judge, Coimbatore.

2. The respondent herein is the decree holder in the arbitration proceedings in A.C. 254T of 2016. The Arbitration tribunal had passed exparte award on 29.12.2016 infavour of the respondents. Pursuant to the award passed by the Tribunal, the respondent herein filed Execution Petition in E.P.No. 106 of 2017 under Order 21 Rule 11(2) of CPC . In the aforesaid execution proceedings, the Court below passed order of attachment of the property. The revision petitioners have filed the instant CRP, challenging the order dated 12.06.2019 by the Arbitration Tribunal.

3. Heard the learned counsel for the revision petitioners and the learned counsel for the respondents and perused the documents available on record.

4. The learned counsel for the petitioners submitted that the respondent has to provide third party insurance for the compensation for the reason that the alleged vehicle produced by the revision petitioners was lost and they have made complaint stating that no notice was served to the petitioners while passing the aforesaid award against the revision petitioners and the petitioners have not approached the Court to set aside the award. On the aforesaid ground, the CRP filed by the revision petitioners, challenging the attachment order passed by the Court below.

5. The learned counsel for the respondent has objected the petitioner that they have not preferred any appeal under Section 34 of the Arbitration and Conciliation Act 1996 and therefore the said award has become final.

6. The present Civil Revision Petition was filed in the year 2019, thereafter the revision petitioners have not filed any appeal against the award passed by the Arbitration Tribunal and the limitation for filing appeal was also expired. Therefore, the revision petition is not sustainable to interfere with the order passed by the Executing Court.

7. Considering the submissions made by both the learned counsel appearing for the parties concerned and on perusal of the materials placed, it is seen that the award passed by the Arbitration Tribunal on 29.12.2016, but the revision petitioners have not challenged the aforesaid award by way of appeal. Therefore this Court cannot consider the arguments raised by the learned counsel for the revision petitioners, which can be raised only before the Arbitration Tribunal.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition if any, is closed.

12.03.2020

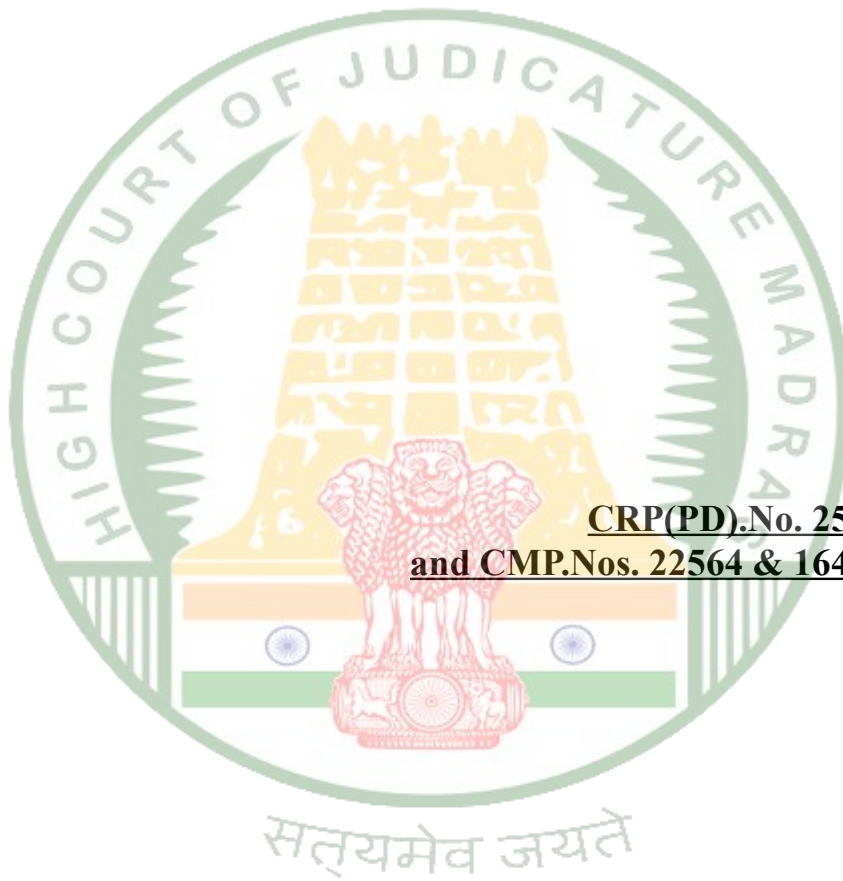
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To
The Principal District Judge,
Coimbatore.

CRP(PD).No. 2503 of 2019

D. KRISHNAKUMAR, J

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CRP(PD).No. 2503 of 2019
and CMP.Nos. 22564 & 16428 of 2019

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