

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD).Nos.3538 & 3539 of 2019

&

C.M.P.Nos.23238 & 23241 of 2019

S.Rajeswari

... petitioner
(in both CRPs)

Vs.

L.Ramesh

... respondent
(in both CRPs)

Prayer in CRP (NPD) No.3538 of 2019: Petition filed under Article 227 of the Constitution of India praying that this Court may be pleased to set aside the Fair order and Decreetal order dated 30.09.2019 in E.A.No.38 of 2019 in E.P.No.57 of 2018 in Arbitration No.1 of 2015 passed by the Principal District Munsif Court, Poonamallee.

Prayer in CRP (NPD) No.3539 of 2019: Petition filed under Article 227 of the Constitution of India praying that this Court may be pleased to set aside the Fair order and Decreetal order dated 30.09.2019 in E.A.No.39 of 2019 in E.P.No.59 of 2018 in Arbitration No.1 of 2015 passed by the Principal District Munsif Court, Poonamallee.

For Petitioner : Mr.B.Ravi Raja
(in both CRPs)

For Respondent : Mr.A.Murali
(in both CRPs)

COMMON ORDER

The above Civil Revision Petitions have been filed challenging the order passed in E.A.Nos.38 and 39 of 2019. The above petitions were moved by the petitioner on the ground that they have not been served with the arbitral award and therefore to stay the execution proceedings till the arbitral award is served on them.

2. The prayer sought for in E.A.No.38 of 2019 is as follows:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court to stay all the further proceedings of the execution petition in E.P.No.57 of 2018 till the copy of the Award dated 10.10.2017 furnished to me by the Arbitrator and till I preferred an appeal within 90 days from the date of receipt of the copy of Award and thus render justice.”

3. The prayer in E.A.No.39 of 2019 is as follows:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court to stay all the further proceedings of the execution petition in E.P.No.59 of 2018 till the copy of the Award dated 10.10.2017 furnished to me by the Arbitrator and till I preferred an appeal within 90 days from the date of receipt of the copy of Award and thus render justice.”

4. Considering the fact that the petitions have been moved seeking a stay only till such time the award copy was made available to the petitioner and appeal file by them, nothing survives for consideration in the above CRPs, since the award copy has been received by the petitioner and they

have also admittedly filed an appeal under Section 34. In these circumstances, the Civil Revision Petitions stand dismissed. Consequently, connected Civil Miscellaneous Petitions are also closed. No costs.

11.11.2020

Internet : Yes/No
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