



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRP(MD).No.1895 of 2012 (PD)

WEB COPY

1.The Union of India

rep., by the General Manager,
Southern Railway,
Chennai.

2.The Divisional Railway Manager,
Southern Railway,
Trichy-1.

: Petitioners/Petitioners

Vs.

A.Minnal Kodi

: Respondent/Respondent

PRAYER : Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair-order and Ex-order passed in I.A.No.1130 of 2010 in Arbitration O.P.SR.217/6.4.2010 dated 13.07.2011 on the file of the Principal District Judge, Tiruchirappalli and thereby, allow the petition.

For Petitioners : Mr.S.Manohar

For Respondent : No appearance

ORDER

There was a dispute between the Railways and the respondent and the matter was decided by the Arbitrator. Challenging the award passed by the Arbitrator, the Railways preferred a petition under Section 34 of the Arbitration and Conciliation Act, 1996 (for brevity 'said Act'), but not within the time stipulated. The learned District Judge has dismissed the petition as barred by limitation and has proceeded to hold that Section 5 of the Limitation Act will not be applicable for enlarging the statutory fixed time for preferring a application under Section 34 of the said Act. This is now under challenge.

2.The matter is no more *res-integra*. Since the Hon'ble Supreme Court of India has held more than one occasion and recently in the decision reported in (2019) 9 SCC 435 (***Oriental Insurance Company Limited Vs., Tejparas Associates and Exports Private Limited***) held that Section 5 of the Limitation Act will not apply to enlarge the time stipulated for invoking Section 34 of the said Act.



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3. In view of the said position of law, nothing survives in this petition and the same is accordingly, dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk/cm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Principal District Judge, Tiruchirappalli.

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KM (30.07.2020) 2P 2C