

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Seventeenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mr Justice SENTHILKUMAR RAMAMOORTHY

CMA(MD) No.519 of 2019

AND

CMP(MD) No.5999 of 2019

THE PROJECT DIRECTOR,
(NATIONAL HIGHWAYS NO.7)
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
MADURAI.

... APPELLANT/2nd RESPONDENT

Vs

1 S.MURUGESAN

... 1st RESPONDENT/PETITIONER

2 THE DISTRICT REVENUE OFFICER,
LAND ACQUISITION OFFICER/
NATIONAL HIGHWAYS-7)
MADURAI.

... 2nd RESPONDENT/1st RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Set aside the order made in Arbitration O.P.No. 31 of 2014 dated 02.01.2019 on the file of the Principal District Judge, Madurai.

Prayer in CMP(MD) .5999/2019 :

To stay the operation of the order passed in Arbitration O.P.No. 31 of 2014 dated 02.01.2019 on the file of the Principal District Judge, Madurai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.ARUL VADIVEL ALIAS SEKAR, Advocate for the petitioner, the court made the following order:-

(Order of the Court was made by **K.RAVICHANDRABAABU, J)**

Issue notice to the respondents returnable in four weeks.

2.This Civil Miscellaneous Appeal is filed challenging the order passed by the Principal District Court, Madurai in Arbitration O.P.No.31 of 2014, dated 02.01.2019 in enhancing the compensation awarded by the Arbitrator in respect of the acquisition proceedings under the National Highways Act.

3.The main contention raised in this appeal is that the Court below is not empowered to enhance the compensation while exercising the power conferred under Section 34 of the Arbitration and Conciliation Act, 1996 or to modify the award as well. Therefore, it is contended that the order of the learned Principal District Judge, Madurai, in enhancing the compensation, is beyond the scope and ambit of Section 34 of the Arbitration and Conciliation Act, 1996.

4.The learned counsel for the appellant submitted that the same issue raised in other connected appeals have been entertained by this Court by granting an order of interim stay only in respect of the enhanced award amount. He has produced one copy of the interim order made in C.M.A(MD)Nos.464 and 465 of 2019 and C.M.P(MD) Nos.5530 and 5536 of 2019, dated 5.7.2019

5.Considering the above-stated facts and circumstances and going by the provisions made under Section 34 of the Arbitration and Conciliation Act, 1996, We are of the view that the appellant has made out a prima facie case for grant of interim stay only in respect of the enhanced amount.

6.Accordingly, there will be an order of interim stay of the order passed by the Court below only in respect of the enhanced amount. In other words, there is no stay as against the amount of award passed by the Arbitrator. At this juncture, the learned counsel for the appellant submitted that the amount awarded by the Arbitrator has already been paid and the claimants have also received the same. The said statement is also recorded.

7.Post this matter along with connected C.M.A(MD)Nos.492 to 494,464, 465,466,506 and 504 of 2019.

sd/-

17/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE PRINCIPAL DISTRICT JUDGE, MADURAI

+1. C.C. to M/S.C.ARUL VADIVEL ALIAS SEKAR Advocate SR.No.11822

ORDER IN

CMA(MD) No.519 of 2019 AND

CMP(MD) No.5999 of 2019

Date :17/07/2019