

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 05TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.5031 of 2016

1. S.SURANBABU
S/O.SIVASANKAR,
OLD NO.3 NEW NO.3,
BENDEIMEN GARDEN IST STREET,
ROYAPURAM, NEAR ROYAPURAM BUS STOP,
CHENNAI-600 013

2. MRS.KOKILA
W/O.SIVAKUMAR,
OLD NO.3 NEW NO.3,
BENDEIMEN GARDEN IST STREET,
ROYAPURAM,
NEAR ROYAPURAM BUS STOP,
CHENNAI-600 013

..Applicant/Petitioners

-Vs-

1. CHOLAMANDALAM INVESTMENT
AND FINANCE CO LTD.
(FORMERLY KNOWN AS CHOLAMANDALAM
DBS FINANCE LTD)
REP BY ITS LEGAL CO- ORDINATOR,
MR.R.MANIKANDAN,
DARE HOUSE,
NO.2, N.S.C.BOSE ROAD,
PARRYS, CHENNAI-600 001

2.MR.GANESAN G
DOOR NO.8,
NEW KAMARAJ NAGAR,
IST STREET,
ROYAPURAM,
CHENNAI – 600 013

..Respondents/Respondents

This Application praying that this Hon'ble Court be pleased to dispense with production of the original award dated 9.7.2014 in Arbitration Case No.CTM469 of 2013 passed by the sole arbitrator for the present.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed to dispense with the production of the Original Award, dated 9/7/2014, in Arbitration Case No.CTM469 of 2013, passed by the Sole Arbitrator, for the present.

2. On an earlier occasion, i.e., on 22/6/2021, when the matter was taken up for hearing, there was no representation for the applicant. Hence the matter was posted today, i.e., on 5/7/2021.

3. Even today, there was no representation on behalf of the applicant.

4. Heard Mr.D.Pradeep Kumar, learned counsel for the first respondent.

5. The main ground urged in this application is that award has not been served. Only at the time of execution proceedings, they came to know that award has been passed. Therefore, application is well within time.

6. Vide, order, dated 22/6/2021, this Court had directed the learned Arbitrator to produce all the records of arbitration proceedings before this Court, on or before 5/7/2021.

7. On a perusal of the records of the learned Sole Arbitrator, the contention of the applicant cannot be countenanced, for the simple reason that notice for proceedings of the Arbitration were received by them, even prior to passing of the award. Thereafter, they remained ex parte and award came to be passed, on 9/7/2014 and the same has been despatched to the applicant herein, on 6/8/2014 and received on 12/8/2014. But they had filed this application only in the year 2016, which is hopelessly barred by law.

8. In view of the above, this application is dismissed.

Sd/.N.S.K.J.
05.07.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.12.07.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.