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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 1st DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.625 of 2020

In the matter Arbitration and
Conciliation Act, 1996

And

In the matter of Arbitration to set
aside The Award dated 31.07.2019
passed by The Hon'ble Arbitral
Tribunal in the disputes between
N.Selvakumar & another and
M/s.Shriram City Union Finance
Limited

1.N.Selvakumar,
S/o.Natchimuthu Gounder,
No.2/50, Vadugampalayam,
Kittampalayam, Palladam,
Palladam Taluk,
Coimbatore – 641 659.

2.N.Ramathal,
W/o.Nachimuthu Gounder,
No.2/50, Vadugampalayam,
Kittampalayam, Palladam,
Palladam Taluk,
Coimbatore – 641 659.

...Petitioners

Vs.

M/s.Shriram City Union Finance Limited,
Rep. by its Authorised Signatory,
Zonal Office at No.151, Maruthamalai Main Road,
Santhosh Palamudir Nilayam,
Upstairs, P.N.Pudur, Coimbatore – 641 041.

... Respondent



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Original Petition praying that this Hon'ble Court be pleased to set aside the Arbitral Award dated 31.07.2019 in A.C.P.TF.No.62/2018 passed by the Sole Arbitrator.

This Original Petition coming on this day before this court for hearing in the presence of Mrs.Nalini Chidambaram, Senior Counsel for M/s.C.Uma, advocates for the petitioners herein and Mr.A.Swaminathan, advocate for the respondent herein and upon reading the petition and the award dated 31/07/2019 filed herein and this court having observed that on perusal of the entire award, as rightly pointed out by the learned Senior counsel appearing for the petitioner, the rate of interest i.e.18% awarded by the Arbitrator is excessive and the learned counsel appearing for the respondent also fairly submitted that the banking rate of interest is 9% and they have no objection for modifying the rate of interest by this Court and

it is ordered as follows:-

1. That the rate of interest i.e. 18% awarded by the Arbitrator is reduced to 7.5%.
2. That the award dated 31/07/2019, in so far as the interest portion alone be and is hereby modified to the extent mentioned above.
3. That in all other aspects, the award passed by the Arbitrator be and is hereby confirmed.



4. That there shall be no costs of this petition.

WEB COPY WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
1ST DAY OF SEPTEMBER 2021.

SD/-

ASSISTANT REGISTRAR (O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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the Orders/Judgments/Decrees in this format.



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22/11/2021

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O.P. No.625 of 2020

ORDER:

DATED: 01.09.2021

THE HON'BLE MR.JUSTICE
N. SATHISH KUMAR

FOR APPROVAL: 21/01/2022

APPROVED ON: 24/01/2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 1.9.2021

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.P.No.625 of 2020

1. N.Selvakumar
2. N.Ramathal

... Petitioners

Vs.

Shriram City Union Finance Ltd.
Rep. By its Authorised Signatory,
Zonal Office at No.151, Maruthamalai main road,
Santhosh Palamudir Nilayam, Upstairs,
P.N.Pudur, Coimbatore - 641 041.

... Respondents

Prayer:- Original Petition is filed under Section 34 (2) (a) (i) & b (ii) c of the Arbitration and Conciliation Act, 1996 to set aside the Arbitral award, passed by the sole Arbitrator, dated 31.7.2019 in A.C.P. TF. No.62 of 2018.

For Petitioner	: Mrs.Nalini Chidambaram
For Respondent	: Mr.A.Swaminathan

ORDER

The learned Arbitrator taking note of the documents produced before him, passed an award for a total sum of Rs.3,82,413/- along with interest at the rate of 18% p.a.

2. Though award has been challenged on several grounds, the learned Senior counsel appearing for the petitioner has confined her arguments



according to the learned counsel for the petitioner is exorbitant and the same has to be reduced.

3. On perusal of the entire award, as rightly pointed out by the learned Senior counsel appearing for the petitioner, the rate of interest i.e. 18% awarded by the Arbitrator is excessive. The learned counsel appearing for the respondent also fairly submitted that the banking rate of interest is 9%. They have no objection for modifying the rate of interest by this Court.

4. Considering the facts and circumstances of the case and taking note of the submissions made by the learned Senior counsel appearing for the petitioner and the learned counsel appearing for the respondent, the rate of interest i.e. 18% awarded by the Arbitrator is reduced to 7.5%. Accordingly, the award insofar as the interest portion alone is modified. In all other aspects, the award passed by the Arbitrator is confirmed.

5. In the result, the Original petition is partly allowed. No costs.

Sd./-N.S.K.J.
01.09.2021

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
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