

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

O.S.A.(CAD)No.44 of 2021

General Manager
Core Allahabad
Rep. by Deputy Chief Engineer
Railway Electrification
Egmore, Chennai. ..Appellant /Respondent

Vs.

M/s. JV Engineering Associate
Civil Engineering Contractors
17, Kuttakattu Valasu
Elumathur (PO), Modakurichi (via)
Erode 638 104
rep. by its Partner S.Jaikumar ..Respondent/Petitioner

Prayer: Original Side Appeal filed under Order 36 Rule 1 of the O.S.Rules of this Court, read with Clause 15 of the Letters Patent, against the Fair and Decretal order of this Court dated 10.02.2020 in O.P.No.449 of 2019, filed against The Arbitral Award dated 07.11.2018 passed by The Sub Arbitrator.

Decree: This Original Side Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal and upon hearing the arguments of Mr.P.T.Ramkumar, Advocate for the appellants and Mr.Sri Ganesh for Mr.P.J.Rishikesh, Advocate for the respondent, and while disposing of the Original Side Appeal, this court doth order and decree as follows:

- 1.that the decree of the Original Side of this Court dated 10.02.2020 and passed in the exercise of the Ordinary Original Civil Jurisdiction of the High Court in O.P.No.449 of 2019 be and hereby is set aside and the Original Petition is remanded back before the Arbitration Court and restore the Original Petition to its original number and dispose of the same in the ligh of the observations and directions contained in the Judgment;

2.that there be no costs in this Original Side Appeal.

Sd/-
Assistant Registrar(I)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Assistant Registrar,
Original Side,
High Court, Madras-104.

2.Mr.V.K.Manoharan,
Sole Arbitrator,
Deputy Chief Electrical Engineer(P)
Railway electrification,
1st Floor, Parcel Office Building,
Railway station Kannur-670 001.

+1cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.40575

Order Dated:13.08.2021
O.S.A.(CAD) No.44 of 2021
Nature of Decree: Disposing
this Original side Appeal
preferred against the
Judgment and Decree this
Court dated 10.02.2020 in
O.P.No.449 of 2019 filed
against the Arbitral award
dated 07.11.2018 made by the
Sole Arbitrator etc., as
stated within.

RSI(CO)
CB(23/09/2021)