

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.411 of 2019

1. Krishnamoorthy V C
S/o. Chinnaiyan

2. Maragathavalli K
W/o. Krishnamoorthy

3. C.K.Traders
No.3/1 Madley 2nd Street,
T.Nagar, Chennai – 600 017.

Petitioners

.Vs.

M/s.Cholamandalam Investment &
Finance Company Limited.,
(Formerly known as M/s. Cholamandalam
DBS Finance Limited)

Represented by Mr.B.Muthukumar
Dy. GM-Legal 'Dare House'

No.2, NSC Bose Road, Chennai – 600 001.

Respondent

* * *

Prayer: Petition filed under Section 34 (2) of the Arbitration and Conciliation Act, 1996 praying to pay a Court fee of Rs.1,00,000/- as fixed under Schedule – II, Article 4 of the Tamilnadu Court Fees and Suit Valuation Act, 1956 and to set aside the Award dated 30.01.2020 passed by the Sole Arbitrator in Arbitration Case No.205 of 2019.

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For Petitioners : Mr.K.Jayaraman

For Respondent : Mr.B.Anand Johnson

ORDER

This Petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the Award dated 30.01.2020 passed by the learned Arbitrator, Arbitral Tribunal.

2. Mr.K.Jayaraman, learned counsel appearing for the petitioners seek adjournment.

3. When this matter has been originally listed on 22.06.2021, there was no representation on behalf of the petitioners. Therefore, the matter was directed to be posted on 25.06.2021 under the caption “for dismissal”. On 25.06.2021, learned counsel appearing for the respondent took an adjournment and thereafter, the learned counsel for the applicant was directed to serve copies to the learned counsel for the respondent. Today, learned counsel for the petitioners is not present and some other counsel represented on behalf of the counsel on record that he is not ready to argue the matter.

3. The award has been challenged in this application mainly on the ground that after the Arbitration Award, the first petitioner has paid a sum of Rs.30,60,000/- to the respondent since it is a commercial transaction and the same cannot be entertained by the learned Arbitrator. Apart from that, it is also stated that there are two loan agreements and the same have been clubbed as if a single loan agreement in the award.

4. On a perusal of the award passed by the learned Arbitrator, it is seen that the learned arbitrator has taken note of all the documents and framed necessary issues and finally passed the award. I do not find any materials to interfere with the award passed by the learned Arbitrator.

Accordingly, this Original Petition is dismissed. No costs.

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Index : Yes / No

Internet: Yes

Speaking/Non-speaking order

dh

N. SATHISH KUMAR, J.
dh



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