



WEB COPY

Cont.P.Nos.1044 to 1046 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Contempt Petition Nos. 1044 to 1046 of 2021

V.K.Senthilkumaran,
No.7/47, Viswanathapuram,
Butt Road, St. Thomas Mount,
Chennai 600 016

... Petitioner in all the three
Contempt Petitions

Vs

1. Mr.P.Rosaiah,
Sole Arbitrator,
No.36, S.P.Complex,
First Floor,
Waltax Road,
Sowcarpet,
Chennai.

2. S.Varadhan,
Father's name not known,
Power agent of
Shriram Transport Finance Company Limited,
No.4, Lady Desika Road,
Mylapore,
Chennai - 600 004.

... Respondents in all the three
Contempt Petitions

Prayer:

Contempt Petitions filed under Sections 11 and 12 of the Contempt of

<https://hcservices.ecourts.gov.in/hcservices/> Courts Act, 1971 to punish the respondents 1 and 2 for wilful disobedience



of the interim orders dated 26.04.2021 and extended vide order dated 22.06.2021 passed in Application Nos.1848, 1846 & 1847 of 2021 respectively in O.P.No.362, 360 & 361 of 2021 respectively.

For Petitioner
in all Cont.Ps. : Mr.Sharath Chandran

For Respondents
in all Cont.Ps. : Mr.K.Sridhar for R1
No appearance for R2

COMMON ORDER

These contempt petitions have been filed for wilful disobedience of the stay order passed by this Court on 26.04.2021 by the 1st respondent Arbitrator.

2. According to the contempt petitioner, when the stay order was in operation, he received three notices dated 16.07.2021 from the 1st respondent Arbitrator informing him that the arbitration proceedings would go on and fixed the date of hearing on 30.07.2021. According to the petitioner, despite receipt of notice of informing the Arbitrator about the interim stay of this Court, still notice for arbitration proceedings has been sent by the 1st respondent Arbitrator.

3. In response to the Contempt Petitions, an affidavit was filed on behalf of the 1st respondent Arbitrator stating that he belong to the Tamil



Nadu State Judicial Service and served as Judicial officer for 30 years and retired as District Judge in 2005 and throughout his entire service, he had good record of service. The learned Arbitrator also explained under what circumstance notice has been issued in paragraph No.8 of the affidavit which is extracted hereunder.

8. I respectfully submit that the first hearing of the arbitration case involved in the above three OPs was conducted on 21/1/2021 and on that day the Petitioner herein filed vakalat through counsel. The matter then came up before me on 26/2/2021 and 26/3/2021 in the presence of the Counsels. Thereafter, on 30/4/2021 the hearing was not held due to my illness and hence the matter stood reposted to 04/6/2021. On that day also due to pandemic lockdown no hearing was conducted and the matter was reposted to 30/7/2021. I submit that after 26/3/2021, I have not visited my office in the given address and hence the notices sent to me never reached my hands. After 3 months, I sent a formal notice dated 16/07/2021 fixing next hearing on 30/07/2021. None appeared. Even on 30/7/2021 both Counsel did not appear or inform me of the OP and the Stay order dated 24/04/2021 granted by this Hon'ble Court. Had I known about the grant of Stay by this Hon'ble Court I would never have sent any notice to the parties for hearing.



4. Although on behalf of the petitioner Mr.Sharath Chandran made several allegations against the partisan conduct of the Arbitrator, sitting in the office of the 2nd respondent and discharging his function as an Arbitrator, yet this Court is not inclined to go into those controversies at this stage.

5. However, considering the service of the 1st respondent/ Judicial Officer in the rank of District Judge and also his explanation as narrated in paragraph No.8 of the affidavit filed by him, this Court is not inclined to proceed any further in the Contempt Petitions. The learned Arbitrator has also expressed his unconditional apology and in the fitness of things, this Court, without making any comments on the conduct of the learned Arbitrator, accepts the unconditional apology.

6. Accordingly, all the Contempt Petitions are closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

vsi

//Certified to be true copy//

Dated at Madras this the day of 2022.

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GS/30/11/2021