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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2305 of 2021

and

C.M.P.No.12804 of 2021

W.Rajesh

.. Appellant

Vs.

M/s.New Link Overseas Finance Ltd.,
Rep. by its Director U.P.Prakasham,
Mamatha Complex, Second Floor,
No.25, Whites Road, Royapettah,
Chennai - 600 014.

.. Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 37(2) of the Arbitration and Conciliation Act, 1996 seeking to set aside the order dated 10.07.2021, passed in M.P.SR.No.2 of 2021 in C.P.(NOFL) 1 of 2018 before the Sole Arbitrator Mr.N.Muthukumaran at Chennai.

For Appellant : Mr.L.Dhamodharan

For Respondent : Mr.K.Prasanna Vineeth Durai

J U D G M E N T

(The case has been heard through video conference)

This appeal has been filed under Section 37 of the Arbitration and Conciliation Act challenging the order dated 10.07.2021, passed by the Arbitral Tribunal in M.P.SR.No.2 of 2021 in C.P.(NOFL) No.1 of 2018, in which, the Arbitral Tribunal has rejected the request made by the appellant to recall the proceedings dated 26.06.2021, of the Arbitral Tribunal, wherein, the Arbitral Tribunal has marked documents filed by the respondent/claimant as exhibits in the absence of the appellant.

2. On instructions, Mr.L.Dhamodharan, learned counsel appearing for the appellant as well as Mr.R.Prasanna Vineeth Durai, learned counsel appearing for the respondent have agreed for the following directions to be issued by this Court.



3. By consent of both the learned counsels, the following order has been passed:

(a) The marking of documents of the claimant as exhibits by the Arbitral Tribunal on 26.06.2021, in the absence of the appellant/second respondent, is set aside by this Court and consequently, the impugned order dated 10.07.2021, passed by the Arbitral Tribunal in M.P.SR.No.2 of 2021 in C.P.(NOFL) No.1 of 2018 is also set aside by this Court.

(b) The Arbitral Tribunal is directed to mark the documents of the respondent/claimant in the presence of the appellant/second respondent as well as other respondents in the arbitration.

(c) Insofar as extension of time to the Arbitral Tribunal to conclude the arbitration proceedings are concerned, the parties are at liberty to file application under Section 29(A) of the Arbitration and Conciliation Act, 1996 before the competent Court.

4. In terms of the aforesaid directions, this appeal is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kk

To

1. Mr.N.Muthukumaran,
Sole Arbitrator,
Flat No.A1, First Floor,
Neelakandan Palace, Mandapak Cross Street,
Kilpauk, Chennai - 600 010.

2. The Section Officer,
VR Section, High Court, Madras.

+2ccs to M/s.N.Premkumar, Advocate, S.R.No.49675
+1cc to M/s.L.Dhamotharan, Advocate, S.R.No.49722

C.M.A.No.2305 of 2021
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BS(CO)
CT(12/10/2021)