



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY THE 22ND DAY OF JULY 2021

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P.NO.503 of 2014

IN THE MATTER OF ARBITRATION &
CONCILIATION ACT, 1996

AND

IN THE MATTER OF DISPUTE
BETWEEN MR.K.NAGARAJAN

AND

M/S.SHRIRAM CITY UNION FINANCE
LIMITED

IN

ARBITRATION MATTER NUMBER

A.C.P.NO.(EF/CMS) 068 OF 2011

AWARD DATED 22.06.2012

RECEIVED DATED 12.08.2014

Mr.K.Nagarajan,
S/o.K.Kalyanaasundram,
No.29/8, Indian Bank Colony,
3rd Main Road,
Ambattur, Chennai – 53.

...Petitioner

Vs

1. M/s.Shriram City Union Finance Limited,
Represented by its Legal Manager,
D.Sentil Kumaran,
No.4/289, 1st Floor, Pycrofts Road,
Triplicane, Chennai – 600 005.

2. Mr.C.M.Seetharaman,
Sole Arbitrator,
At No.90, Peters Road.
New College Shopping Complex
Royapettah, Chennai – 14



3. Mr.A.Bilavendran,
Son of Mr.Asirvatham,
No.208 C, Naaz Apartment,
9th Street, Korattur,
Chennai.

4. Mr.T.KVeeraraj,
Son of Mr.Thalamalai,
No.186, Appar Street,
Thiruvalléeswarar Nagar,
Thirumangalam,
Chennai – 600 040.

5. Mr.S.Kumar,
Son of Mr.Subramanian,
7/9, Pillayar Koil Street,
Korattur, Chennai-600 080.

...Respondents

Original Petition praying that this Hon'ble Court be pleased to set aside the award dated 22.06.2012 passed in A.C.P.NO(EF/CMS) 068 of 2011 passed by the second respondent and thus render justice.

This Original Petition coming on this day before this court for hearing in the presence of Mr.S.Mohan, advocate for the petitioner herein and Mr.K.V.Ananthakrishnan, advocate for the 1st respondent herein and the respondents 2 to 5 herein not appearing in person or by advocate and upon reading the petition and the award dated 22/06/2012 filed herein and the learned counsel for the respondent having submitted that the award amount is Rs.75,000/- and even the petitioner pays Rs.1,00,000/-

(Rupees One Lakh Only) lumpsum, the entire matter will be settled and



they are ready to receive Rs.1,00,000/-and this court doth recording the said submission, and **it is ordered:-**

That the O.P.No.503 of 2014 be and is hereby dismissed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 22ND DAY OF JULY 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments.



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13/09/2021

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O.P.No.503 of 2014

ORDER

DATED :22.07.2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 14/09/2021

APPROVED ON: 15/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.07.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Original Petition No.503 of 2014

Mr.K.Nagarajan

... Petitioner

versus

1. M/s.Shriram City Union Finance Limited,
Represented by its Legal Manager, D.Senthil Kumaran,
No.4/289, 1st Floor, Pycrofts Road,
Triplicane, Chennai 600 005.
2. Mr.C.M.Seetharaman,
Sole Arbitrator,
At No.90, Peters Road, New College Shopping Complex,
Royapettah, Chennai - 1.
3. Mr.A.Bilavendran
4. Mr.T.Veeraraj
5. Mr.S.Kumar

... Respondents

PRAYER: Original Petition has been filed under Section 34 of Arbitration and Conciliation Act, to set aside the award dated 22.06.2012 passed in A.C.P.No.[EF/CMS] 068 of 2011 passed by the second respondent.



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For Petitioner : Mr.S.Mohan

For Respondents : Mr.K.V.Ananthakrishnan – R1

No appearance – R2 to R5

ORDER

This petition has been filed challenging the award passed by the sole arbitrator on 22.06.2012.

2. The sole ground for challenging the award is non service of notice. It is the contention of the learned counsel for the petitioner that notice has not been served on the petitioner either prior to the arbitration proceedings or during the arbitration proceedings. Therefore, the award has to be set aside on the ground of violation of principles of natural justice.

3. Whereas, it is the contention of the learned counsel for the respondent that notice has been properly served on the petitioner and in fact the same has been returned as refused by the petitioner, which has been taken note by the arbitrator.

4. On a perusal of the records it is seen that admittedly, the petitioner is only a guarantor. In the award, the learned arbitrator has



prior to arbitration also, notice has been properly sent to the petitioner.

To prove the same, documents have also been filed by the respondent herein. In the fact, the registered post sent by the arbitrator for the hearing has been returned as refused. It is not the case of the petitioner that the address given in the proceedings is not that of his. Hence, opportunity has been given to the petitioner and notice has been sent to the correct address, which has to be construed as proper service. The learned arbitrator considering all the documents, passed the award and this petition lacks merits and is liable to be dismissed.

5. At this stage, the learned counsel for the respondent submitted that the award amount is Rs.75,000/- and even the petitioner pays Rs.1,00,000/- [Rupees One lakh only] lumpsum, the entire matter will be settled and they are ready to receive Rs.1,00,000/-. His submission is recorded. It is for the petitioner to take a call on such submissions by the respondent.

6. Accordingly, this Original Petition is dismissed.

Sd./-N.S.K.J
22.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)