

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (PD).No.2153 of 2021 &
CMP.No.16298 of 2021

Chrishtopher Edison Sunder Singh Petitioner

Vs

1.Anne Christopher
2.P.Louie Bass Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the petition in A.O.P.No.105 of 2021 on the file of the Principal District Judge, Coimbatore.

For Appellant : Mr.K.Myilsamy

ORDER

This Civil Revision Petition has been filed under Article 227 of the constitution of India challenging the filing of an application A.O.P.No.105 of 2021 before the learned Principal District Judge, Coimbatore under section 34 of the Arbitration and Conciliation Act, 1996.

2. The contention of the petitioner is that the arbitral award was passed on 04.03.2011 under which, the first respondent was directed to pay certain sums of money to the petitioner. According to him, the first respondent has filed an application A.O.P.No.105 of 2021 under section 34 of the Arbitration and Conciliation Act challenging the arbitral award dated 04.03.2011 beyond the prescribed period as fixed under section 34 of the Arbitration and Conciliation Act. According to him, the application was filed beyond the maximum period of 120 days and hence, it is barred by law of limitation. According to him, the Principal District Court, Coimbatore does not have jurisdiction to hear the application under section 34 of the Arbitration and Conciliation Act filed by the first respondent in A.O.P.No.105 of 2021 as seat of Arbitration is at Erode but not at Coimbatore. According to him, the petitioner has received notice in A.O.P.No.105 of 2021 filed by the first respondent before the Principal District Court, Coimbatore and after having received the notice, he has approached this Court under Article 227 of the Constitution of India.

3. There cannot be two parallel proceedings one under section 34 of the Arbitration and Conciliation Act and the other under Article 227 of the Constitution of India. The petitioner having received the notice in A.O.P.No.105 of 2021, this Court is of the considered view that in the interest of the petitioner, ought to have contested A.O.P.No.105 of 2021 pending on the file of the Principal District Court, Coimbatore and raised the very same grounds that have been raised in this civil revision petition filed under Article 227 of the Constitution of India. Only in rarest of rare cases, this Court can entertain civil revision petition under Article 227 of the Constitution of India in arbitration matters. Arbitration is meant for expeditious disposal of disputes between the parties. Therefore, in the interest of the parties to the dispute, this Court is of the considered view that the grievance of the petitioner can very well be redressed by the Principal District Court, Coimbatore which is dealing with A.O.P.No.105 of 2021 filed by the first respondent wherein the petitioner herein is the first respondent and is the main contesting party.

4. For the foregoing reasons, this Court issues the following directions:

(a) The learned Principal District Judge, Coimbatore shall consider the grounds referred to supra raised by the Appellant while deciding A.O.P.No.105 of 2021 on merits and in accordance with law.

(b) The learned Principal District Judge, Coimbatore shall dispose of A.O.P.No.105 of 2021 after hearing the parties within a period of three months from the date of receipt of a copy of this order.

5. With the aforesaid directions, this civil revision petition is disposed of. No costs.

07.10.2021

nl

Index: Yes/ No

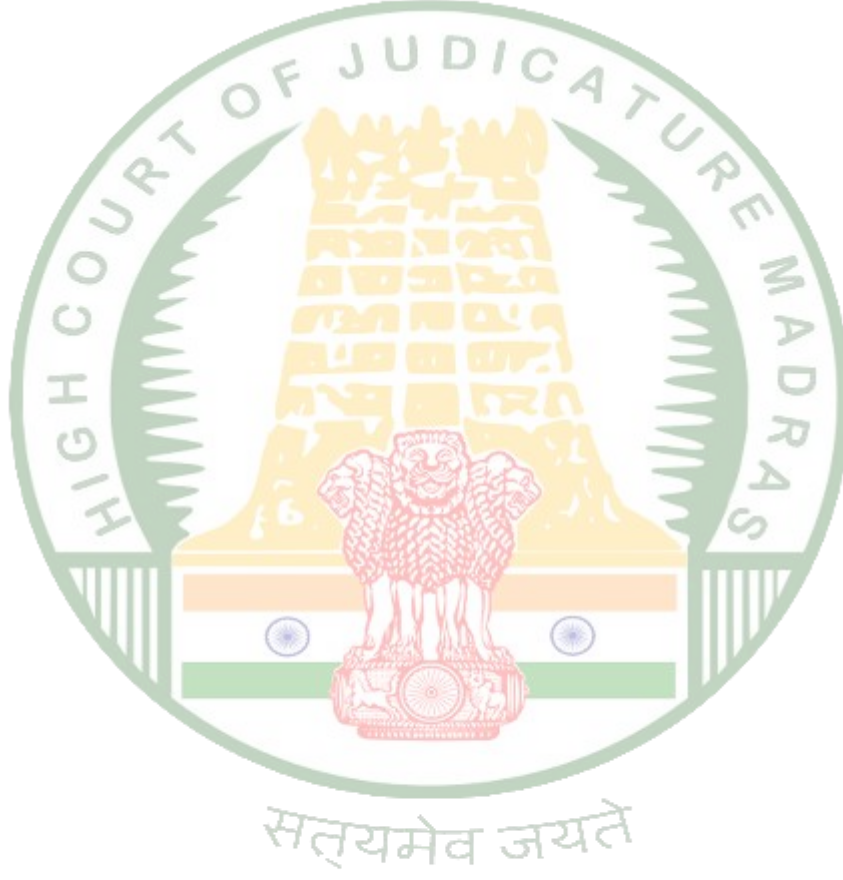
Internet: Yes/No

Speaking Order/Non-speaking Order

WEB COPY

To

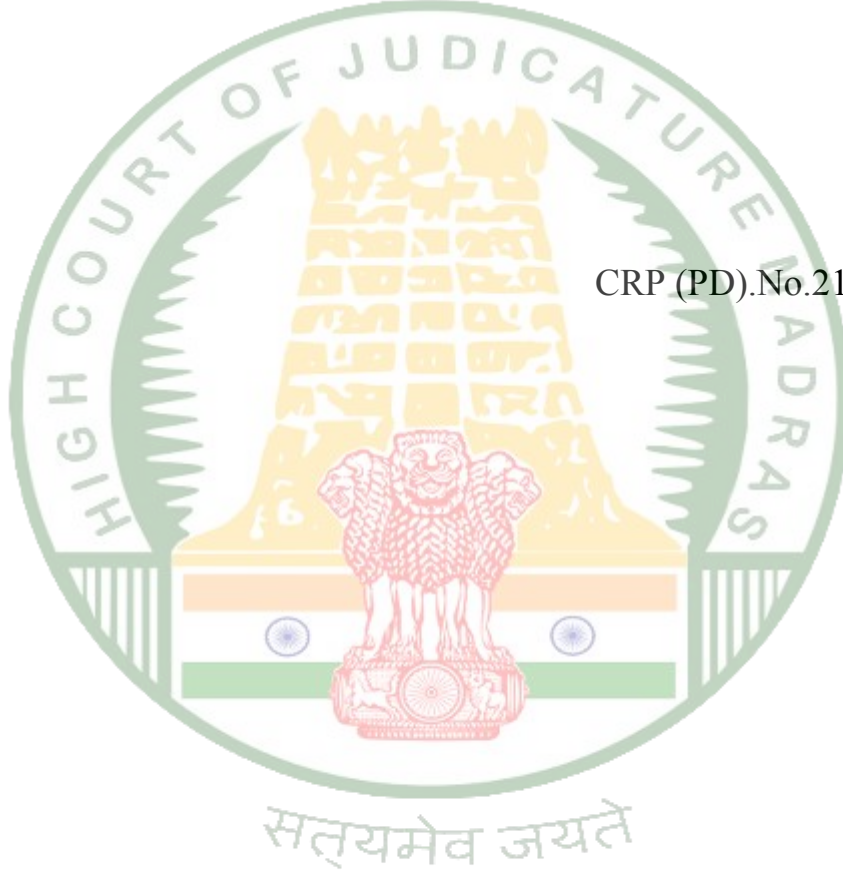
The Principal District Judge, Coimbatore



WEB COPY

ABDUL QUDDHOSE, J.

nl



CRP (PD).No.2153 of 2021

WEB COPY

07.10.2021