



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

OSA (CAD) No.106 of 2021

S.K.C. Constructions,
rep. by its Proprietor Ahil Mani,
Previously having office at
No.77, 4th Street, W-Block,
Anna Nagar, Chennai-47
Presently residing at
No.-48, Vasuki Nagar 1st Main Road,
Kodungaiyur,
Chennai - 600 118.

... Appellant

Vs.

M/s.Aishwarya Structural and
M/s.Susmitha Decors,
rep. by one of their Proprietor M.K.Thiyagarajan,
Having office at
No.11, Sannathi Street, Kamatchi Nagar,
Kovilambakkam,
Chennai - 600 100.

.. Respondent

Prayer: Appeal filed under Section 13(1A) of the Commercial Courts Act, 2015 read with under Section 37 of the Arbitration and Conciliation Act, 1996 against the order dated 08.04.2021 made in O.P.No.573 of 2020 on the file of this Court.

O.P.No.573/2020 : Filed this Court, to allow the above petition and set aside the exparte award passed in O.P.No.499/2015-A.F.No.36/2016, dated 29.12.2017 by the Arbitrator and copy issued vide letter dated 23.08.2019.

For the Appellant

: Mr.T.R.Rajagopalan
Senior Counsel
for Mr.S.Gopinathan



the appellant herein to suggest that the court ought to have gone into the other issues. Once a petition under Section 34 of the Act of 1996 is found to have been lodged beyond time, the merits of the challenge need not be addressed. There is no dispute - even no attempt to indicate otherwise - that the petition under Section 34 of the Act of 1996 was filed in court within the permissible time.

5. For the reasons aforesaid, OSA (CAD) No.106 of 2021 is dismissed with costs assessed at Rs.10,000/- which the appellant will pay to the Tamil Nadu State Legal Services Authority within a fortnight from date.

C.M.P.No.18248 of 2021 is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

bbr

To:

1. The Sub Assistant Registrar,
Original Side,
High Court of Madras.
2. The Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Madras-600 104.

Copy To

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OSA (CAD) No.106 of 2021

EV(CO)
GMY(17/11/2021)