

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.154 of 2017
and C.M.P.No.646 of 2017

Kumaran

...Petitioner

-V-

M/s.Equitas Finance Private Limited
rep. by its Authorized representative
Mr.M. Raja,
407 and 408, II Floor, G.R. Complex,
Anna Salai, Nandanam,
Chennai - 35.

...Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the order dated 23.03.2016 passed in unnumbered Ar.O.P.No.NIL of 2015 on the file of the learned Principal District Judge, Salem.

For Petitioner : Ms.Revathy
for M/s.R. Nalliyappan

For Respondent : Mr.A. Damodaran

ORDER

The superintending jurisdiction of this Court under Article 227 of the Constitution of India has been invoked by the petitioner on the ground that the learned Principal District Judge, Salem, has been continuously returning the petition filed by them under Section 34 of the Arbitration and Conciliation Act, to set aside the Award dated 04.07.2014 in Arb.Case No.10 of 2014. The learned Principal District Judge had questioned the jurisdiction of the Court since the arbitration proceedings had been held at Chennai and the Award has been passed within the jurisdiction of Chennai. However, the petitioner has countered the said application by stating that the subject matter of the mortgage is situate at Salem.

2.The learned counsel for the respondent would submit that as per the Arbitration Clause contained in Loan Agreement dated

29.09.2013, the Venue for arbitration was at Chennai and further, the Agreement had vested exclusive jurisdiction on the Courts at Chennai. Therefore, the Original Petition filed was without jurisdiction.

3. Heard the learned counsels appearing for the parties and perused the papers.

4. As pointed out by the learned counsel for the respondent, the jurisdiction for conducting arbitral proceedings is only at Chennai. The Venue of arbitration was agreed to be at Chennai. That apart, it has also been clearly mentioned in the Loan Agreement that the Courts at Chennai alone will have exclusive jurisdiction to consider this matter concerning the Agreement.

In the light of the above, the issue of maintainability raised by the learned Principal District Judge is in order. The Registry is directed to return the original Arb.O.P filed before the learned Principal District Judge, Salem, which has been filed now into this Court so as to enable him to present before the proper Forum. It is open to the respondent/claimant to raise all the defences available to them in the event of the Original Petition being presented before the jurisdictional Court and the same being numbered.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mps

To

The Principal District Judge,
Salem.

Copy to:

The Section Officer,
ER Section,
High Court, Madras-104.

C.R.P.No.154 of 2017
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SS (CO)
CB (09/03/2021)