



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated:16.03.2021

CORAM:
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A. (MD) .No.82 of 2021
and
CMP (MD) .No.726 of 2021

WEB COPY

1.P.Jayakumar

2.J.Sherley Florence

:Appellants/Petitioners

-Vs-

The Regional Manager
Regional Office
Shriram City Union Finance
No.5C/5A, 1st Floor
Sumangalai Shopping Complex
Trivandrum Road
Vannarpettai, Tirunelveli
Tirunelveli District

:Respondent/Respondent

Prayer:-This Civil Miscellaneous Appeal has been filed under Section 37 of Arbitration and Conciliation Act, 1996, to set aside the order in ACP TF.No.R7/2019 dated 07.08.2020 and transfer the Arbitration Proceedings from Tirunelveli to Nagercoil office of the respondent by allowing this Civil Miscellaneous Appeal.

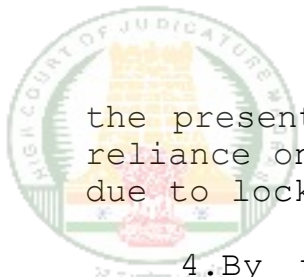
For Appellants : Mr.H.Velavadhas
For Respondent : Mr.J.Bharathan

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the order in ACP TF.No.R7/2019 dated 07.08.2020 and transfer the Arbitration Proceedings from Tirunelveli to Nagercoil office of the respondent by allowing this Civil Miscellaneous Appeal.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the respondent would submit that there is an alternative remedy available under the Act and any challenge of the impugned order has to be challenged by invoking Section 34 of the Arbitration and Conciliation Act before the District Court concerned.

3.At this juncture, the learned counsel for the appellants would seek permission of this Court to exclude the period for the purpose of limitation before the Court below, during which period



the present petition was pending before this Court and would place reliance on the exclusion of limitation granted by the Supreme Court due to lock down.

4.By taking into consideration the submission made by both counsel and considering the present pandemic situation, the appellant is at liberty to file an arbitration petition before the Principal District Court concerned. On such filing, the learned Judge is directed to exclude the period during which the matter was pending before this Court for the purpose of limitation and pass appropriate orders in accordance with law.

5.With the above directions, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Sole Arbitrator
Tirunelveli

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-11650[F] dated 17/03/2021)

msa (PA) NSM (CO)
RP/12.05.2021/2P/4C.

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and

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