



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

C.R.P. (MD) .719 of 2021

WEB COPY

Mahadevi Amma

: Petitioner

Vs.

1.The District Collector (Sole Arbitrator)

Kanyakumari District,
Nagercoil, Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District.

2.The Competent Authority and

Special District Revenue Officer (Land Acquisition)
National Highways NH-47,
Door No.6, Thiruvalluvan Nagar,
Kesava Thiruppuram,
Vetturnimadam Poost,
Kanyakumari District.

3.The Project Director,

National Highways Authority of India,
Door No.1332, Pleasant Street,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER : Civil Revision Petition has been filed under Section 227 of Constitution of India, to direct the learned Principal District Judge, Kanyakumari at Nagercoil to expedite and dispose the Arbitration O.P.No.7 of 2019 on the file of the learned Principal District Judge, Kanyakumari at Nagercoil within a time frame as fixed by this Court.

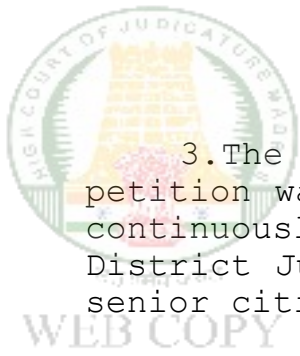
For Petitioner : Mr.P.Senthil

ORDER

This Civil Revision Petition has been filed seeking a direction to dispose of the petition in Arbitration O.P.No.7 of 2019 on the file of the learned Principal District Judge, Kanyakumari at Nagercoil within a time frame as fixed by this Court.

2.Since the revision petition is filed for early disposal of the case, the issuance of notice to the respondents is not necessary.

3. The revision petitioner has filed a petition in Arbitration O.P.No.7 of 2019, challenging the Arbitral award dated 13.06.2017 passed by the sole Arbitrator.



3.The main contention of the revision petitioner is that the petition was filed in the year 2019 and the case has been adjourned continuously for filing of the counter statement, that the learned District Judge has also failed to consider that the petitioner is a senior citizen and that therefore, the case has to be expedited.

4. The High Court has already issued circulars to the District Judiciary, directing the Courts to give priority for the cases relating to the Senior citizens, HIV effected persons, defence personnel, women and children etc.. It is pertinent to mention that the revision petitioner without approaching the District Court, has directly approached this Court, with the above revision for early disposal. In the absence of total pendency particulars and the work burden of the concerned Court, this Court is not inclined to give any direction to dispose of the case within a specified period of time.

5.Moreover, it is pertinent to mention that Section 34(6) of Arbitration and Conciliation Act, contemplates that an application filed under this section shall be disposed of expeditiously, and in any event, within a period of one year from the date on which the notice referred to in sub-section 5 is served upon the other party.

6.No doubt, due to Covid-19 pandemic and consequent lock-down declared by the Central and State Governments, the Courts not only in Tamil Nadu, all the Courts in the entire Country were not functioning physically for most part of the year 2020. As rightly pointed out by the learned counsel for the petitioner, even after resumption of regular functioning of Courts, the case has been adjourned for filing of the counter statement.

7.No doubt, the trial Courts are duty bound to follow the time frame in disposing of the case, as mandated by the statute itself. Hence, the trial Court is directed to consider the request of the revision petitioner in the light of Section 34 (6) Arbitration and Conciliation Act and on the ground of senior citizenship, as per the Circulars of this Court and to proceed in accordance with law.

8.With the above observation and directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



das
To

The Principal District Judge, Kanyakumari at Nagercoil.

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+1 CC to M/s.M.P.SENTHIL, Advocate (SR-17208[F] dated 23/04/2021)

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