



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P. No.89 of 2022

and

C.M.P. No.517 of 2022

Mr.K.K.Chandrasekar

... Petitioner/Respondent

Vs.

M/s.Fairyland Foundation Private Limited,
Represented by its Authorised Signatory,
Mr.T.Rajasekar
No.96, Co-operative Colony,
Uppilipalayam,
Coimbatore.

... Respondent/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Order dated 08.01.2021 made in Arbitration Case No.5 of 2021 before the Sole Arbitrator Mr.R.Dhandapani, at Coimbatore.

For Petitioner : Mr.D.Krishnapradeep
for Mr.N.Damodharan

For Respondent : Mr.M.Guruprasad

O R D E R

Aggrieved by an order passed by the Sole Arbitrator on 08.01.2022 directing the revision petitioner to submit the written question to the witness in a questionnaire format and providing space for the answers to be furnished to the witness in advance has been questioned in this Civil Revision Petition.

2. The petitioner herein had invoked the arbitration clause in the development agreement entered into between the parties and the sole arbitrator has also entered reference in the matter. When the matter was posted for the further cross-examination of PW1 on 08.01.2022, since the family members of the Senior Counsel had tested Covid positive and he was unable



to present before the learned Arbitrator physically, a request for an adjournment was sought.

3. A Memo was filed seeking an adjournment of the cross-examination to 17.01.2022. The Arbitrator had passed the following order to this Memo:

' 'Heard

As enough time has been granted to the R's side for Cross-Examination, I am willing to grant further time for Cross-Examination. However taking into account the present pandemic situation the respondent counsel is directed to submit questions to be put to the witness CW1 in questionnaire format providing space for answers to be furnished by the witness. The above format to be furnished to the claimant side on or before 15.01.2022 and the claimant's side witness CW1 to furnish answers in that format by 17.01.2022.' '

4. Challenging this order, the revision petitioner/respondent is before this Court.

5. The learned counsel appearing for the respondent fairly conceded that the order was not in keeping with the spirit of evidence taking particularly the cross-examination. Therefore, the order of the learned Arbitrator dated 08.01.2022 is set aside.

6. CW1 shall appear before the learned Arbitrator on 12.03.2022. The revision petitioner/respondent shall positively commence the cross-examination on the said date and in case, if any adjournment is taken, the petitioner herein shall pay a cost of Rs.5,000/- to the respondent/claimant as cost.

7. With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssn



To

1. Mr.R.Dhandapani, B.Sc., B.L.,
District Judge (Retired) / Sole Arbitrator,
No.12, Main Road, New Ananda Nagar,
P.N.Pudur, Coimbatore-641 041.

Copy to:

The Section Officer,
VR Section, Madras High Court,
Chennai.

+1cc to Mr.Guruprasad, Advocate, S.R.No.13139

C.R.P. No.89 of 2022
and
C.M.P. No.517 of 2022

MG (CO)
SU (03/03/2022)