



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD)No.1897 of 2014

and

M.P. (MD)No.1 of 2014

1.RM.Ramasubramanian

2.R.Kannaki ... Petitioners/Respondents

-vs-

1.M/s.Fullerton India Credit Company Limited,
No.397, Megh Towers,
Ponnamalle High Road,
Maduravoyal, Chennai-600 095. ... 1st Respondent/Claimant

2.The Sole Arbitrator for
M/s.Fullerton India Credit Company Limited,
Chennai, 14, 1st Street, Govindarajapuram,
Adayar, Chennai-20. ... 2nd Respondents/Arbitrator

Prayer :- This petition filed under Article 227 of the Constitution of India, to set aside the proceedings in Arbitration Case No.AC/FICCL/54 of 2014, on the file of the second respondent i.e.Sole Arbitrator, Chennai for M/s.Fullerton India Credit Company Limited, Chennai and allow the Civil Revision Petition.

For Petitioners : No Appearance

For R-1 : Mr.R.Narayanan

For R-2 : No Appearance

ORDER

This civil revision petition is filed to strike off the arbitration proceedings initiated on the ground that as per the agreement between the parties, arbitration was to be initiated only at Karaikudi and therefore, the arbitration proceedings pending at Chennai is against the terms of the arbitration agreement between the parties.



2.The learned counsel appearing for the first respondent would concede that as per the terms of the loan agreement, the place of the arbitration has been clearly mentioned as Karaikudi. The loan agreement has also been executed at Karaikudi. However, he would submit that the revision petitioner has been deliberately avoiding the payment of the dues on the mortgage loan availed from the first respondent. He would submit that this Court may grant liberty to the first respondent to initiate arbitration proceedings at Karaikudi.

3.The petitioners were originally represented by counsel, however the learned counsel had made a representation before this Court that he has no instruction and he wants to withdraw his vakalat. Therefore, the Registry was directed to delete the name of the counsel and the names of the petitioners were printed. The petitioners however had not appeared before the Court.

4.Be that as it may, considering the submission of the learned counsel for the first respondent, this Civil Revision Petition is allowed and the proceedings in Arbitration Case No.AC/FICCL/54 of 2014 on the file of the second respondent is set aside. However, liberty is granted to the first respondent to initiate arbitration proceedings at Karaikudi on the notice dated 04.10.2013. This Court has taken note of the fact that the civil revision petition has been filed as soon as the summon in the arbitration proceedings had been received by the respondents and the same has been pending from the year 2014 to date and therefore, the period taken for prosecuting this revision petition shall alone stand excluded for initiating the arbitral proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

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 for
M/s.Fullerton India Credit Company Limited,
Chennai, 14, 1st Street, Govindarajapuram,
Adayar, Chennai-20.

+1 CC to M/s.S.NAMASIVAYAM, Advocate (SR-634[F] dated 06/01/2022)
C.R.P.(MD)No.1897 of 2014
and
M.P.(MD)No.1 of 2014
Dated: 04.01.2022

bk(CO)

TR(10.02.2022) 3P 3C