



A.No.2827 of 2023

Application No.2827 of 2023

ABDUL QUDDHOSE, J.

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This petition has been filed under Section 27 of the Arbitration and Conciliation Act, 1996, seeking to summon the Assistant Director, Local Fund Auditing, Nagercoil, so as to examine him as a witness in the arbitration between the applicant and the respondent.

2. Admittedly, the arbitration is in progress between the parties in respect of a dispute between them. The applicant is the respondent in the arbitration and they seek to examine the Assistant Director, Local Fund Auditing, Nagercoil, to substantiate their defence in the arbitration.

3. Learned counsel for the respondent has not raised any serious objections for allowing this application, but, at the same time, he would submit that the defences raised by the applicant before the arbitration with regard to the respondent's claim does not deserve any merit.

4. The contention of the respondent can be adjudicated only by the arbitrator and not in this application filed under Section 27 of the



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Arbitration and Conciliation Act, 1996, which has been filed for the limited purpose to issue summon to the Assistant Director, Local Fund Auditing, Nagercoil, to enable the applicant to examine him as a witness in the arbitration. Therefore, this application has to be necessary allowed.

5. Accordingly, this application is allowed as prayed for. A summon is directed to be issued by the Registry of this Court to the Assistant Director, Local Fund Auditing, Nagercoil, directing him to appear before the Arbitral Tribunal on the next date of hearing and give witness in the said arbitration pertaining to the dispute between the applicant and the respondent. The applicant is directed to communicate a copy of this order to the Assistant Director, Local Fund Auditing, Nagercoil, for the effective implementation of the same and for intimating him the next date of hearing before the Arbitral Tribunal.

19.07.2023

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