



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

C.R.P.No.1519 of 2023
and C.M.P.No.10011 of 2023

1.S.Santhi
2.Souganthy
3.S.Sundar

... Petitioners

Vs.

1.K.Arulazhy Muneeswaran
2.P.Balasaraswathy
3.D.Sreenivasan

... Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India, against the order dated 07.03.2023 made in I.A.No.62 of 2021 in A.O.P.No.40 of 2021 on the file of the Court of the Principal District Judge, Puducherry.

For Petitioners	:	Mr.T.M.Naveen
For Respondent 1	:	Mr.V.Balamurugan
For Respondent 2	:	Batta due
For Respondent 3	:	No such person



ORDER

WEB COPY

The petitioner has filed this revision to set aside the order dated 07.03.2023 made in I.A.No.62 of 2021 in A.O.P.No.40 of 2021 on the file of the Court of the Principal District Judge, Puducherry.

2. Before the trial Court, the revision petitioners have filed AOP.No.40 of 2021 to set aside the impugned Arbitration Award dated 06.10.2019. The claimant issue notice on 12.02.2021 in E.P.No.84 of 2021 for attachment and sale of immovable properties, intending to execute the impugned Arbitration Award dated 06.10.2019, passed by the 3rd respondent. Against which the petitioners have filed IA.No.62 of 2021 in AOP.No.40 of 2021, under Order 36(2) and (3) of the Arbitration and Conciliation Amendment Act 2019 to grant interim stay of operation of the Arbitral Award dated 06.10.2019 till the disposal of the AOP. Considering both side submissions, the learned trial Judge granted interim stay with the condition to deposit 25 % of the award amount, on or before 06.03.2023 and post the case on 07.03.2023. Thereafter, non compliance of order, the said application was dismissed.



WEB COPY

3. The learned counsel for the revision petitioners submitted that they were not aware of the conditional order because in E-court status, no such particulars were furnished. Only came to know on 07.03.2023 I.A. was dismissed.

4. The learned counsel for the respondents submitted that in the open Court itself conditional order was informed to the petitioners and they were very well aware of the same.

5. On perusal of E-Court, it was mentioned only I.A.No.62 of 2021 in AOP.No.40 of 2021 is pending, but there was no mentioning about the conditional order passed in the said I.A. As per the E-Court status, the defence taken by the revision petitioner is probable the conditional order was not known to him. Furthermore, now the revision petitioners are agreed to pay the said amount.



6. Considering the facts and circumstances, this Court directs the petitioners to deposit 25% of the award amount within a period of two weeks from the date of receipt of a copy of this order and proceed with the matter before the appellate Judge.

7. However, learned trial Judge is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order, as per manner known to law.

8. In view of the above, this Civil Revision petition is disposed of. No costs

20.10.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No

rri

To

- 1.The Principal District Judge, Puducherry.
- 2.The Section Officer,
VR-Section, High Court of Madras.

4\5



WEB COPY



T.V.THAMILSELVI, J.

ri

C.R.P.No.1519 of 2023

20.10.2023