



C.R.P.No.4510 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4510 of 2023

M/s. Aditya Birla Fashion and Retail Ltd.,
formerly known as Pantaloons Fashion
and Retail Limited,
rep. by its Power of Attorney
Mr.Ibrahim V.N.

... Petitioner

-Vs-

1. C.N.Sriivasan
2. C.N.Raghavendran

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 23.06.2020 passed by the V Addl. Judge, City Civil Court, Chennai in I.A.No.2 of 2019 in O.S.No.2523 of 2019.

For Petitioner : Mr.Anuruth Krishnan



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ORDER

Challenging the impugned fair and decreetal order passed in I.A.No.2 of 2019 in O.S.No.2523 of 2019 passed by the learned V Addl. Judge, City Civil Court, Chennai, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Since the relief claimed challenging the order passed by the trial judge, the notice to the respondent is dispensed with.

3. Before the trial court, the defendants filed an application under Sec.8 of Arbitration and Conciliation Act to refer the parties to arbitration. On considering the fact that there is an arbitration clause in the lease agreement, the trial judge referred the matter to arbitration. Challenging the said findings, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

4. Records perused. On perusal of entire facts, it reveals that the lease agreement executed between the parties is said to be unregistered



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one. Therefore, the Revision Petitioner is having valid objections. However, as per the ratio laid down by the Apex Court in the authority in ***Curative Petition (C) No.44 of 2023 dated 13.12.2023***, wherein it has held as follows :-

“d. Any objections in relation to the stamping of the agreement fall within the ambit of the arbitral tribunal”

Therefore, if at all, any unregistered document is considered, the same can be decided by the arbitral tribunal. Accordingly, this Civil Revision Petition as such is not maintainable and the same is dismissed. No costs.

14.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The V Addl. Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

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