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CRP.No.4512 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.4512 of 2017
and CMP.No.21293 of 2017

N.R.N.Needhimohan

... petitioner

Vs.

Rani Raju

... Respondent

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order passed in Arbitration OP.No.31 of 2013 dated 28.02.2017 on the file of the Principal District Court, Thiruvarur.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondent : Mr.E.Sivanandan

ORDER

This civil revision petition has been filed to set aside the order and decretal order passed in Arbitration OP.No.31 of 2013 dated 28.02.2017 on the file of the Principal District Court, Thiruvarur, thereby appointed an Arbitrator.



CRP.No.4512 of 2017

2. Heard, the learned counsel for the petitioner and the learned counsel for the respondent.

3. The petitioner is the respondent in the petition filed by the respondent under Section 8 of the Arbitration Act seeking to refer the matter before the Arbitrator to resolve the dispute as per agreement dated 01.01.2010. The said petition was resisted by the petitioner by filing counter stating that the court below has no jurisdiction to entertain the petition since the Arbitrator can be appointed only by the Hon'ble High Court and the court below has no jurisdiction to appoint an Arbitrator under the Arbitration and Conciliation Act.

4. Section 2(1)(e) of the Arbitration and Conciliation Act permits the Principal Civil Court of Original jurisdiction in a district to entertain the petition. It is relevant to extract the provision under Section 2(1)(e) of the Arbitration and Conciliation Act hereunder:

(e) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a



CRP.No.4512 of 2017

suit, but does not include any civil court of a grade inferior to such principal Civil Court, or any Court of Small Causes;

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5. Therefore, the court below has got jurisdiction to entertain the petition and the court below rightly allowed the petition. As such, this Court finds no infirmity or illegality in the order passed by the court below. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.01.2023

Speaking/non-speaking
Index : Yes/No
Internet : Yes
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CRP.No.4512 of 2017

G.K.ILANTHIRAIYAN, J.

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To
The Principal District Court,
Thiruvavarur.

CRP.No.4512 of 2017

23.01.2023