



C.R.P.(MD)No.505 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.505 of 2023

1.C.Dharmaraj
2.C.Govintharaj

.. Petitioners

Versus

1.M/s.Parasakthi Hardwares,
Rep. by its Managing Partner,
S.Palanivel,
Having Shop at Houdhieen Beedi Building,
No.87, Madurai Road,
Tiruchirapalli District - 620 008.

2.S.Palanivel

3.Vennila, W/o.S.Palanivel

4.Vignesh, S/o.S.Palanivel

.. Respondents

Prayer :- Petition filed under Section 115 of C.P.C., against the fair and decreetal order dated 19.07.2022, passed in I.A.No.2 of 2022 in O.S.No.95 of 2022, on the file of the I Additional District Court (PCR), Trichy.

For Petitioners : Mr.M.Ponniah

For Respondents : Mr.B.S.Manjunath

ORDER

The petitioners are the plaintiffs in O.S.No.95 of 2022, on the file of the I Additional District Court (PCR), Trichy. The above suit has been filed for rendition



of accounts, permanent injunction and for other incidental reliefs. In the suit, the respondents herein filed an application under Section 8 of the Arbitration and Conciliation Act, 1996, to dismiss the suit on the ground that the dispute between the petitioners and the respondents was subject matter of arbitration clause. The Court below has allowed the application filed under Section 8 of the Arbitration and Conciliation Act, 1996, after considering the decision rendered by the Hon'ble Supreme Court and the arbitration clause, with the following observation:-

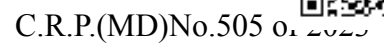
"6.7. The language of the provision in Section 8 of Arbitration Act is peremptory in nature and it is therefore mandatory for the civil court to refer the parties to Arbitration. If there is any objection to the validity of the arbitration clause, then the same can be challenged in the Arbitration proceedings. Hence, the Jurisdiction of this court is ousted, as per Arbitration Clause. The petitioners' side citations are applicable to the facts of this case. The respondents' side citation is not applicable to the facts of this case. This point is found in favour of the petitioners and is answered accordingly."

2.In my view, there is no scope for interference. If at all the parties have to resolve the dispute, they will have to work out their remedy in accordance with the arbitration clause in the agreement between them.

3.This Civil Revision Petition is dismissed with the above observation. No costs.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

12.06.2023



The Additional District Judge (PCR),
Trichy.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.505 of 2023

12.06.2023