



C.M.A(MD)No.105 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Thirteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
and
The Hon`ble Mr.Justice P.B. BALAJI

C.M.P.(MD)Nos.4613 of 2022 and 3006 of 2021
and
C.M.A(MD)No.105 of 2021

THE PROJECT DIRECTOR
NATIONAL HIGHWAYS AUTHORITY OF INDIA,83/1,
SBI FIRST COLONY EXTENSION, BYE PASS ROAD,
MADURAI-16

... PETITIONER/PETITIONER/
APPELLANT
IN BOTH CMPS

Vs

CHELLADURAI (DIED),

1.J.RISWANTH

2 THE COMPETENT AUTHORITY CUM DISTRICT REVENUE OFFICE,,
DISTRICT COLLECTORATE BUILDING,
DINDIGUL.

... RESPONDENTS/RESPONDENTS/
RESPONDENTS
IN BOTH CMPS

Prayer in CMP(MD). 4613/ 2022 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to modify the conditional order dated 10-02-2021 passed in CMP(MD).No.922 of 2021 in CMA(MD).No.105 of 2021 and pass such further or other order deem fit in the circumstances of the case and thus render justice.



C.M.A(MD)No.105 of 2021

Prayer in CMP(MD). 3006/ 2021 :

Pleaded to extend 3 months time to comply with the order made in CMP(MD) No.922 of 2021 in CMA (MD)No.105 of 2021 dated 10.02.2021 and thus render justice.

Prayer in CMA(MD). 105/ 2021 :

To set aside the order made in Arbitration O.P.No. 78 of 2011 dated 03-12-2019 on the file of the Principal District Judge, Dindigul and thus render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.ARUL VADIVEL ALAIS SEKAR, Advocate for M/S.ARUL VADIVEL ASSOCIATE, for the petitioner and of MR.H.LAKSHMI SANKAR, Advocate on behalf of the Respondents No.1, the court made the following order:-

(Order of the Court was made by RMT.TEEKAA RAMAN, J.,)

By an order dated 10.02.2021, this Court has passed an order in C.M.P.(MD) No.922 of 2021 in C.M.A.(MD)No.105 of 2021 and the same is extracted hereunder:

“....2.There shall be an order of interim stay on condition that the petitioner/appellant deposits the entire award amount with accrued interest and costs to the credit of Arbitration O.P.No.78 of 2011, on the file of the Principal District Court, Dindigul, on or before 24.03.2021, failing which, interim stay granted shall stand automatically vacated without further reference to this Court.”



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2. It appears that the appellant/National Highways Authority has not complied with the order.

3. Now they have come forward with two applications.

4. C.M.P.(MD)No.4613 of 2022 is filed to modify the order dated 10.02.2021 in C.M.P.(MD)No.922 of 2021.

5. Heard the learned counsel for the petitioner and also the respondents.

6. At para No.4 of the affidavit filed in support of the said petition in C.M.P. (MD)No.4613 of 2022, the learned counsel for the petitioner has stated that by virtue of the subsequent order passed by the Hon'ble Supreme Court of India, there is no power of modification of award existing under Section 34 of the Arbitration Act, 1996 and such a thing would amount to crossing of "Lakshman Rekha". The order in C.M.P.(MD)No.922 of 2021 was passed on 10.02.2021. If the petitioner is aggrieved against that order, it is always open to them to agitate the matter in the manner known to law. Hence, we find no reasons to modify the order, dated 10.02.2021.



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7. The petition in C.M.P.(MD)No.4613 of 2022 is dismissed accordingly.

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8. As stated supra, by an order dated 10.02.2021, wherein, the Hon'ble Division Bench of this Court has categorically stated that if the condition order of deposit is not made on or before 24.03.2021, the interim stay granted shall stand automatically vacated without further reference to this Court. We find that C.M.P.(MD)No.3006 of 2021 for extension of time of the said order is filed on a day prior to the said expiry date, namely, 22.03.2021. Though two years are passed, they have not complied with the order on the technical grounds. Since the petition for extension of time is filed in time, we are inclined to grant further extension of time only to an extent of four weeks alone, failing which, the stay granted will stand automatically vacated. It is further made clear that no further extension of time petition for further extension will not be entertained at any cost.

9. C.M.P(MD)No.3006 of 2021 is ordered accordingly.

sd/-
13/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj



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TO
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THE PRINCIPAL DISTRICT JUDGE, DINDIGUL

COPY TO

THE BRANCH MANAGER
INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
C.M.P.(MD)Nos.4613 of 2022 and 3006 of 2021
and
C.M.A(MD)No.105 of 2021
Date :13/12/2023

RK/VR (18/12/2023) 5P /3C
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