



CMP(MD) No.4594 of 2022

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

Thursday, the Fourteenth 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

CMP(MD) No.4594 of 2022
IN
CMA(MD) No.579 of 2020

THE PROJECT DIRECTOR
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
MADURAI -20.

... PETITIONER/PETITIONER/
APPELLANT

Vs

1 V. VIJAYARAJ

2 THE COMPETENT AUTHORITY AND
SPECIAL DISTRICT REVENUE OFFICER,
NATIONAL HIGHWAYS 7,
VIRUDHUNAGAR.

... RESPONDENTS/RESPONDENTS/
RESPONDENTS

Civil Miscellaneous 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 dated 04-01-2021 passed in CMP(MD).No.6035 of 2020 in CMA(MD). 579 of 2020.

Prayer in CMA(MD). 579/ 2020 :

Pleased to set aside the order made in Arbitration O.P.No.108 of 2015 dated 20.09.2019 on the file of the Principal District Judge, Madurai and thus render justice.



CMP(MD) No.4594 of 2022

ORDER: This Civil Miscellaneous 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 ALIAS SEKAR, Senior Advocate for M/s.ARUL VADIVEL ASSOCIATES for the petitioner and of Mr.R.G.SHANKAR GANESH, Advocate on behalf of the 1st Respondent and Mr.R.GOVINDARAJ, Advocate for the 2nd Respondent, the court made the following order:-

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

This petition is filed to modify the conditional order, dated 04.01.2021, wherein, an interim stay was granted on condition to deposit the entire award amount on or before 01.03.2021.

2. The learned counsel for the petitioner would state that subsequent to the said order, they relied upon the order of the Division Bench saying that no power of modification of an award exists in Section 34 of the Arbitration Act, 1996. There is a change in proposition of law. He would further state that the enhanced amount need not be deposited in the Court. Such plea cannot be entertained for the purpose of modification.

3. In this view of the matter, this petition in C.M.P(MD)o.4594 of 2022 is dismissed.

sd/-
14/12/2023

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



CMP(MD) No.4594 of 2022

AM
TO

THE PRINCIPAL DISTRICT JUDGE,
MADURAI.

ORDER
IN
CMP(MD) No.4594 of 2022
IN
CMA(MD) No.579 of 2020
Date :14/12/2023

SA/DD/SAR. /19.12.2023/3P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.