IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF JANUARY , 2024

BEFORE

THE HON'BLE MRS. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL No. 202108 OF 2016 (AC)

BETWEEN:

1 . KHAJA MIYAN S/O LADLE PATEL
AGE:55 YEARS, OCC:BUSINESS,
R/O H NO 7-966, NEAR JAWAR-E-HIND
SCHOOL, HAJ COMMITTEE, MOMINPURA,
KALABURAGI.

...APPELLANT

(BY SRI D P AMBEKAR ADV)

AND:

1 . M/S SRI RAM INVESTMENT LTD
AMALGATED WITH SRI RAM TRANSPORT
FINANCE CO LTD., THROUGH ITS MANAGER
SHARADA RESIDENCY COURT ROAD,
KALABURAGI, PRESENTLY AT: KANDOOR MALL,
SV PATEL CHOWK, STATION BAZAR ROAD,
KALABURAGI 585 101

2 . M/S SRI RAM INVESTMENT LTD,
AMALGATED WITH SRI RAM TRANSPORT
FINANCE CO LTD, THROUGH ITS MANAGING
DIRECTOR, NO 123, ANAGAPPA NACKEN STREET,
CHENNAI.

3 . YASHWANTH KUMAR B,
AGE:MAJOR, OCC:RETD DISTRICT
JUDGE AND SOLE ARBITRATOR, NO 23/A,
HOSPITAL ROAD, SHIVAJI NAGAR,
BANGALORE- 560 001

RESPONDENTS

(BY SRI. NARENDRA N BETTAD ADV FOR R1 AND R2)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 37(1) OF THE ARBITRATION AND CONCILIATION ACT 1996, BY THE ADVOCATE FOR THE APPELLANTS PRAYED THAT THIS HON'BLE COURT PLEASED TO;

A. ALLOW THIS APPEAL AND SET- ASIDE THE JUDGMENT ORDER DATED 28.06.2016 PASSED BY THE PRINCIPAL DISTRICT, JUDGE, KALABURAGI, IN ARBITRATION APPLICATION No.2/2010 DISMISSING THE SAID APPLICATION AND CONFIRMING THE AWARD DATED 02.08.2010 PASSED BY THE ARBITRAL TRIBUNAL, BANGALORE, IN ARBITRATION CASE No. 8/2007;

B. ALLOW THE SAID APPLICATION, AND ALSO THE CLAIM OF THE APPELLANT IN SAID ARBITRATION CASE No. 8/2007 AS PRAYED FOR THEREIN WITH COSTS THROUGHOUT;

C. SUCH FURTHER OF OTHER RELIEFS BE GRANTED TO THE APPELLANT TO WHICH HE WOULD BE FOUND ENTITLED TO ON THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

As per the postal shara, notice to respondent No.3 is returned with an endorsement 'no such addressee'.

The learned counsel for the appellant shall file an application for substituted service of notice in respect of respondents No.3 by 24.01.2024, by that time, if the application is not filed, the appeal stands dismissed without further reference to the Court.

Sd/-
JUDGE

NOTE: Vide order dated 18.01.2024, the learned counsel for the appellant has not filed an application for substituted service of notice in r/o r3 by 24.01.2024. hence, the appeal stands dismissed without further reference to the court.

Sd/-
ASSISTANT REGISTRAR

T BY : NM

R BY : AUS

C BY : NHD