



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.06.2024**

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**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**CMA No.1189 of 2024**  
**and CMP No.10652 of 2024**

C.Madhusudhanan

..Appellant

.VS.

1.M/s.Shriram Finance Limited  
(Formerly known as Shriram Transport Finance Company Ltd.,  
Represented by its Authorized Signatory,  
Mr.Sakthivel.M  
No.36, SP Complex  
Walltax Road, Chennai - 600 001.

2.M/s.Global Carriers  
Rep. by its partners  
(i)Mr.C.Madhusudhanan  
(ii)Mr.Dhanasekar P.J.

3.Mr.Dhanasekar P.J.

4.Mr.G.Gopal

..Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 37 f the Arbitration and Conciliation Act, 1996, against the order passed in I.A.No.1 of 2023 in Arbitration Case No.32/PARYS/2023 dated 30.09.2023 passed by the learned sole Arbitrator Thiru.M.Mohiden Pitchai, District and Sessions Judge (retired), 1st Floor, No.323/157, Linghichetty Street, Chennai - 600 0001.



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For Appellant : Mr.T.Saravanan

For Respondents : Mr.M.Raghul for R1

### **JUDGMENT**

The appellant who is one of the partner of the Partnership Firm has approached this Court by filing the present appeal under Section 37 of the Arbitration and Conciliation Act, 1996 against an order passed by the learned Arbitrator under Section 17 of the Act attaching the property belonging to the appellant pending the final Award to be passed in the case.

2.Heard Mr.T.Saravanan, learned counsel appearing on behalf of the appellant and Mr.M.Raghul, learned counsel appearing on behalf of the 1<sup>st</sup> respondent.

3.The main ground that was raised by the learned counsel for the appellant is that the loan that is sought to be recovered by the 1<sup>st</sup> respondent is time barred. That apart, the notice was not even served on the appellant and straight away the learned Arbitrator has attached the property belonging to the appellant which requires the interference of this Court.



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4. In the considered view of this Court, if the appellant is aggrieved by the order of attachment passed by the Arbitrator, the appellant can always workout his remedy before the learned Arbitrator by filing an application to raise the order of attachment on the grounds that have been taken in this appeal. For every interim order passed by the learned Arbitrator, this Court cannot entertain an appeal and if such appeals are entertained, it will defeat the very object of the Act. Therefore, except giving this clarity, no further orders can be passed in this appeal.

5. Accordingly, this civil miscellaneous appeal is disposed of in the above terms. Consequently, connected miscellaneous petition is closed. No Costs.

**10.06.2024**

Index : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral citation : Yes/No  
ssr

To

Thiru.M.Mohiden Pitchai,  
The Arbitrator District and Sessions Judge (retired),  
1st Floor, No.323/157, Linghichetty Street, Chennai - 600 0001.



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**N. ANAND VENKATESH., J**

SSR

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