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A.No.2150 of 2024

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in
Arb.O.P.(Com.Div.)Dr.No.40482 of 2024

Krishnan Ramasamy, J.,

This application is filed seeking to condone the delay of 29 days in filing the petition under Section 34(2) of the Arbitration and Conciliation Act, 1996.

2. Heard both sides.

3. In the present case, the learned Arbitrator passed an award on 20.11.2023 and the same was received by the petitioners on 22.11.2023. Therefore, the petitioners are supposed to file the present petition on or before 22.02.2024. However, the petitioners have filed the present petition on 20.03.2024 with a delay of 29 days.

4. Upon providing sufficient reasons by the petitioners, this Court can condone the delay of 30 days beyond the period of 90 days as per the Arbitration & Conciliation Act. The learned counsel for the petitioners submitted that, due to ill-health of the petitioners, they were unable to appear before the learned Arbitrator. Hence, an ex-parte award was passed on 20.11.2023.



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5. The learned counsel for the respondent strongly opposed the contention made by the learned counsel for the petitioners and submitted that the petitioners have not appeared before the arbitral Tribunal, and therefore, an ex-parte award was passed. Hence, she requested this Court to dismiss the present petition filed for condonation of delay.

6. Considering the submission made by both the learned counsel and on perusal of the averments made in the supporting affidavit filed by the petitioners, and particularly, the fact that the petitioners could not appear before the arbitral Tribunal on account of ill-health, this Court is inclined to condone the delay of 29 days in filing the present petition in the interest of justice. Accordingly, the delay is condoned and the petition is allowed.

25.07.2024

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