



*CMP No.23194 of 2023
in OSA (CAD) SR No.38617 of 2023*

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2024

CORAM:

**THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR JUSTICE R.SAKTHIVEL**

**CMP No.23194 of 2023
in OSA (CAD) SR No.38617 of 2023**

Ravindranathan S/o.Singaravelu
Ex-Promoter/Director,
M/s.MPL Cars Pvt Ltd (Under Insolvency)
Residing at No.6/43, Navratna Gardens,
IInd Cross Street, Ekkaduthangal,
Chenna 600 002.

...Petitioner/Appellant

Vs.

1. M/s.Ford India Private Limited,
Rep. by its General Manager/Auhtorized Signatory
Dealership Development, Mr.Saurabh Mkhija,
S.P. Koil Post, Maraimalai Nagar,
Chengalpattu – 603 034.

2. MPL Cars Pvt Ltd.,
Rep. by its Resolution Professional,
Mr.K.Sivalingam,
F-1, Abdul Regency, Ist Floor,
No.6, South Mada Street, Srinagar Colony,
Saidapet, Chennai 600 015.

...Respondents/Respondents



*CMP No.23194 of 2023
in OSA (CAD) SR No.38617 of 2023*

WEB COPY

Prayer: Civil Miscellaneous Petition filed under Section 151 of Code of Civil Procedure, 1908, to grant leave to the appellant/third party to file, contest this appeal against the order passed by the learned Judge dated 12.01.2023 in Arb.O.P. (Com.Div). No.490 of 2022 and Application No,4189 of 2022.

For Petitioner : Mr.T.Sai Krishnan
for Ms.K.N.Shanthi

For Respondents : Mr.V.V.Sivakumar, for R1

R2 – Sd – No appearance

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The petitioner seeks leave to challenge the order made under Section 34 of the Arbitration Act, setting aside an award that is passed in favour of the second respondent Company.

2. The petitioner claims that he is an ex-promoter of the second respondent and he has given personal guarantee to the secured creditor of



*CMP No.23194 of 2023
in OSA (CAD) SR No.38617 of 2023*

WEB COPY

the second respondent and if the second respondent is able to realise the award that would be helpful for the second respondent to discharge his debts, so that the petitioner would not be burdened with the debts of the second respondent as a guarantor. We do not think this can be a ground to permit the petitioner to challenge the order under Section 34 of the Arbitration Act, setting aside the award. It is open to the second respondent which is a private limited Company/a juristic person to challenge the award.

3. We do not see any reason to permit the petitioner to challenge the order under Section 34 of the Arbitration Act. Hence this application is dismissed. Accordingly, the Appeal in OSA (CAD) SR No. 38617 of 2023 is rejected at SR stage itself.

(R.SUBRAMANIAN, J.) (R.SAKTHIVEL, J.)
03.01.2024

jv

Internet: Yes

Index: No

Speaking order

Neutral Citation : No.

3/4



WEB COPY



*CMP No.23194 of 2023
in OSA (CAD) SR No.38617 of 2023*

R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

jv

CMP No.23194 of 2023
in OSA (CAD) SR No.38617 of 2023

03.01.2024