



C.R.P.No.2906 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE THIRU JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P.No.2906 of 2024

M/s Shriram Finance Ltd.,
Registered Office at
123, Angappan Naicken Street,
Chennai-600 001
having branch office at Rasipuram,
Recovery Office at No.464, J.R.Complex,
Gugai, Salem represented by its representative.

.... Petitioner

VS

Meenakshi M.

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 18.12.2023 passed in R.E.P.No.183 of 2018 in A.O.P.No.215 of 2013 on the file of I Additional District Judge at Namakkal.

For Petitioner : Mr.A.Swaminathan

For Respondent : Served

ORDER

The Civil Revision Petition has been filed against the order dated 18.12.2023 passed in R.E.P.No.183 of 2018 in A.O.P.No.215 of 2013 on the file of I Additional District Judge at Namakkal.



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2. The petitioner has filed REP No.183 of 2018 seeking to execute the Award passed in AOP No.215 of 2014.

3. The respondent has filed a counter contending that neither the respondent nor her counsel has been served notice in respect of the arbitration proceedings.

4. The executing court, finding that the arbitration proceedings was of the year 2015 and that a wrong number has been quoted in the year and no petition under Section 33 of the Arbitration and Conciliation Act, 1996 has been filed within a period of thirty days to amend the number had dismissed the Execution Petition as non-executable. Aggrieved against the same, the present Civil Revision Petition has been filed.

5. Despite service of court notice and private notice and also printing the name of the respondent in the cause list, there was no representation for the respondent and therefore, the matter was directed to be listed today under the caption “for orders”. Even today, there is no representation for the respondent.

6. Learned counsel for the petitioner would submit that the respondent



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remained exparte in the arbitration proceedings and the respondent has not filed any application under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the award and thereby, the Award has become final. The respondent has not raised any valid ground before the executing court, whereas, finding discrepancy in the Award with regard to the year in the case number, the executing Court had dismissed the Execution Petition. Learned counsel also submits that the Arbitration Act does not require mentioning of any case number in the Award and further submits that quoting wrong number does not affect the root of the matter and it does not in any way affect the Award which has been passed in accordance with law. The respondent is the judgment debtor and the executing Court should have allowed the petitioner to correct the year in the Award, which, in no way, affects the root of the case.

7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. This Court finds that the year in the case number in the Award has been wrongly mentioned as “2014” instead of “2015”. Quoting of wrong case number does not affect the root of the matter. Further, the respondent has also not challenged the Arbitration Award under Section 34 of the Arbitration and



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Conciliation Act, 1996. Because of an inadvertent error of mentioning a wrong year in the case number which has crept in the Award, which does not affect the root of the case, the petitioner's case should not have been thrown out of the court as not maintainable.

9. In view of the above, the order passed in R.E.P.No.183 of 2018 in A.O.P.No.215 of 2013 on the file of I Additional District Judge at Namakkal is set aside and the Civil Revision Petition is allowed. The Executing Court is directed to take up the matter on file and issue fresh notice to the respondent and decide the execution proceedings in accordance with law within a period of six months from the date of appearance of the respondent.

No costs.

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Index:yes/no

website:yes/no

To

The I Additional District Judge at Namakkal.

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