



CRP.No.4863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.4863 of 2024
and C.M.P.No.27224 of 2024

1.S.Santhanam
2.S.Sathya
3.S.Jothi
4.S.Loganathan

... Petitioners

Versus

M/s.Shriram City Union Finance Company Ltd
Represented by its
Authorised Signatory
Mr.J.Santhoshkumar, Manager

... Respondent

PRAYER : Petition filed under Article 227 of the Constitution of India, to set aside the order dated 04.10.2023 passed in E.P.No.274 of 2022 in A.C.P.(EF).No.64 of 2021 by the learned Sessions Judge, Mahila Court, Kancheepuram District at Chengalpattu.

For petitioner : Mr.M.Vijaya Ragavan



CRP.No.4863 of 2024

ORDER

WEB COPY

Challenging the order of Executing Court in allowing the Execution Petition, the instant revision is filed.

2. In arbitration proceedings, award has been passed against the petitioner on 08.04.2021. The learned Arbitrator directed the payment of Rs.16,54,201/- together with interest at the rate of 18% per annum from the date of claim petition till its realisation and Rs.5000/- towards the cost of arbitration. The said award was put into execution in E.P.No.274 of 2022. The said petition was opposed by the revision petitioners. However, considering the objections, the execution petition was allowed. Challenging the same, the revision is filed.

3. The learned counsel for the petitioners submitted that arbitrator was appointed unilaterally with the petitioners consent, therefore, the award is not valid in the eye of law. That apart, they have already filed Arb.O.P.No.316 of 2023 challenging the award before the Principal District Judge, Chengalpattu, pending the said petition, the execution petition has been allowed. Therefore, the order passed by the Executing Court has to be set aside.



CRP.No.4863 of 2024

4. Heard the learned counsel for the petitioner and perused the materials placed on record. At the outset, this Court is of the view that when the award has been passed, any challenge to the award has to be made only in accordance with law. Though the award has been challenged under section 34 of the Arbitration and Conciliation Act, 1996 . It is also well settled that mere filing of application under Section 34 of the Arbitration and Conciliation Act, 1996, that will not amount to automatic stay of the award, unless, stay has been specifically granted by the concerned Court. As the petitioner has not obtained any stay, as a matter of right, now, cannot agitate the award in execution proceedings.

5. Such view of the matter, I do not find any merits in the case and accordingly, this revision stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. The learned Principal District Judge, Chengalpattu is directed to dispose of the Arb.O.P.No.316 of 2023 within a period of three months from the date of receipt of a copy of this Order.

29.11.2024

dhk

Internet: Yes

Speaking/non speaking order



WEB COPY



CRP.No.4863 of 2024

N. SATHISH KUMAR, J.

dhk

To

1. The Sessions Judge,
Mahila Court, Chengalpattu
Kancheepuram

2. The Principal District and Sessions Judge
Principal District Court,
Chengalpattu

CRP.No.4863 of 2024

29.11.2024