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CRP.No.5103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.5103 of 2024

Mithra House Makers Pvt Ltd

Rep by its Director Mrs.Sujatha Moorthy

.. Petitioner

Versus

1.M.Arunagiri

2.Babu

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the return proceedings dated 10.08.2024 and 17.05.2024 in ATN20230002135C2024 in unnumbered E.P.No. Of 2024 recorded by the office of the Principal District Judge, Thiruvallur and consequently direct the Principal District Judge, Thiruvallur to number the EP in arbitration case No.Nil of 2020 dated 03.08.2020 and take the E.P in filing ATN20230002135C2024 on record and proceed further.

For Petitioner : Mr.S.Thankasivan

ORDER

This revision has been filed to direct the Executing Court to enforce the award dated 03.08.2020.



CRP.No.5103 of 2024

WEB COPY

2. The award has been passed directing the respondent to execute the sale deed in respect of the properties. As there was no challenge to the arbitral award, EP has been filed, however, the same has been returned mainly on the grounds that arbitral award number is not mentioned in the award copy and correct provisions of law has to be mentioned.

3. The learned counsel for the petitioner submitted that as far as the arbitration number is concerned, the sole arbitrator has not assigned any number, since, it is not mandatory to provide case number to such isolate arbitration proceedings. In this regard, letter dated 17.04.2024 is issued by the sole arbitrator. Hence, seeks for a direction to the Executing Court to number the EP and proceed further

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. It is relevant to note that the sole arbitrator has issued a letter dated 17.04.2024 clarifying that case number cannot be provided for the arbitration proceedings, now and no correction could be done. In view of



CRP.No.5103 of 2024

WEB COPY

the above, the impugned return proceedings are set aside and there shall be a direction to the Principal District Judge, Thiruvallur to number the EP in arbitration case No.Nil of 2020 dated 03.08.2020 and take the E.P in filing ATN20230002135C2024 on record and proceed further and decide the same on its own merits.

6. Accordingly, this revision stands allowed. No costs.

09.12.2024

dhk

Index : Yes/No

Internet : Yes/No

To

The Principal District Judge
Principal District Court, Thiruvallur



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CRP.No.5103 of 2024

N.SATHISH KUMAR, J.,

dhk

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