



C.R.P. (MD) No. 303 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 303 of 2022

Jeya Kingslin

... Petitioner/
Plaintiff

-VS-

1.Chenthilkumar

2.The Branch Manager
Mahindra Mahindra
Financial Service Ltd.
Marthandam
Rep. by its Chief Branch Manager,
Head office at Nagercoil
Kanyakumari District.

3.The Manager,
Derik Motors Pvt. Ltd.,
Nagercoil, Kanyakumari District.

... Respondents/
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct to number the appeal in unnumbered appeal suit in CF.No.1928 of 2021 rejection dated 06.07.2021 on the file of the Principal Subordinate Judge, Nagercoil and allow the Civil Revision Petition.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.A.P.Athiram for R2

Mr.L.George Paul Anto for R1



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ORDER

This Civil Revision Petition is filed for a direction to number the Appeal in unnumbered Appeal Suit SR No.1928 of 2021. On a perusal of the typed set of papers filed along with the Civil Revision Petition, it can be seen that the respondent/defendant had filed I.A.No.1 of 2019 under Section 8 of the Arbitration and Conciliation Act, 1996. The Trial Court accepted the plea and referred the matter for arbitration. In view thereof, the suit is closed. As against the same, there is no appeal which is provided and appeal suit will not lie as against an order passed under Section 8 of the Act. Referring the parties to arbitration, if at all the petitioner has agreed, the petitioner has to approach the this Court under Article 227 of the Constitution of India and the appeal suit will not even be maintainable. Therefore, the prayer to number the appeal suit cannot be countenanced. Therefore, this Civil Revision Petition is dismissed, however, with liberty to the petitioner to file a Civil Revision Petition as against the order passed in. I.A. No.1 of 2019, dated 13.02.2020. No costs.

10.07.2024

NCC : Yes/No

PKN



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To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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