



W.P.(MD) No.19874 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR
W.P.(MD) No.19874 of 2023**

The Chief Manager,
Circle Sastra,
Panjab National Bank,
PNB House, BHEL Complex,
Kalasapuram,
Tanjavur Road, Trichy.

... Petitioner

-VS-

1.The Sub Registrar,
Joint No.IV,
Palanganatham, Madurai.

2.Shriram Transport Finance Ltd.,
No.74, ADR Towers, 3rd Floor,
P.P.Road, Kalavasal, Madurai – 06.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the file relating to the arbitration O.P. in Case No.L.No.11/2020 and quash the orders of Attachment before Judgment passed by the sole arbitrator on 22.02.2020 and in consequence thereof.



W.P.(MD) No.19874 of 2023

WEB COPY

For Petitioner : Mr.S.Rengasamy

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader for R1

No appearance for R2

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the order of attachment before judgment passed by the Arbitrator in arbitration O.P. in L.No.11 of 2020.

2. The Writ Petition has been filed by the bank by contending that proceedings was initiated by the petitioner bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and Demand Notice was issued under Section 13(2) on 04.02.2020 and possession of the property was taken on 21.01.2021. Pursuant to completion of the sale proceedings, when the petitioner approached the Sub-Registrar Office to register the sale certificate, the same came to be rejected for the reason that Shriram Transport Finance Ltd., has already registered the order of attachment before judgment passed by the Arbitrary in arbitration O.P. in No.L.No.11 of



W.P.(MD) No.19874 of 2023

2020. According to the petitioner, the order passed by the Arbitrator is malafide and is without jurisdiction.

3. We have gone through the provisions of the Arbitration and Conciliation Act, 1996 and Section 37 of the Act clearly states that as against the order passed under Section 9 of the Arbitration and Conciliation Act, 1996, remedy is available under Section 37 of the Act. Even though the petitioner was not a party before the Arbitration Proceedings, if it is aggrieved by the order, it can very well approach the appropriate forum under Section 37 of the Act. Therefore, we are of the view that the present Writ Petition cannot be entertained.

4. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to approach appropriate forum under Section 37 of the Arbitration and Conciliation Act, 1996, within a period of four weeks from the date of receipt of a copy of this order. No costs.

[D.K.K., J.] [R.V., J.]
02.01.2024

Index : Yes / No
Internet : Yes / No
SJ



WEB COPY



W.P.(MD) No.19874 of 2023

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

1.The Sub Registrar,
Joint No.IV,
Palanganatham, Madurai.

W.P.(MD) No.19874 of 2023

02.01.2024