



C.R.P(MD)No.3130 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.3130 of 2024
and
C.M.P(MD)No.17993 of 2024

1.Jeyakumar

2.B.Murugaiah

... Petitioners

Vs.

1.M/s.Sakthi Finance Limited,
Represented by its Authorised Signatory,
Door No.62, Doctor Nanjappa Road,
Coimbatore.

2.The Sole Arbitrator,
V.R.Poobalan, B.Sc., B.L., D.G.T.,
No.4/139-2, Kovil Street,
Kurunji Nagar, Aathikulam,
Madurai District.

3.Veerammal

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal District and Sessions Court, Srivilliputtur to dispose the I.A.No.1 of 2024 in Arbitration O.P.No.121 of 2023 on the file of the learned Principal District and Sessions Court, Srivilliputtur within a stipulated time fixed by this Court and simultaneously direct the learned Additional District Court, Virudhunagar to defer the further proceedings in E.P.No.18 of 2023 by allowing the above Civil Revision Petition and pass such other orders as this Court.

For Petitioners : Mr.M.Prabhakaran

ORDER

This Civil Revision Petition has been filed seeking a direction to dispose of the I.A.No.1 of 2024 in Arbitration O.P.No.121 of 2023 pending on the file of the learned Principal District and Sessions Court, Srivilliputtur within a time stipulated by this Court and simultaneously direct the learned Additional District Court, Virudhunagar to defer the further proceedings in E.P.No.18 of 2023.



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2. According to the revision petitioners, the revision petitioners are the guarantors for the loan borrowed by the third respondent from the first respondent under a hire purchase agreement No.536977, dated 28.02.2018 in respect of the vehicle: 2015 model: Ashok Leyland, 3118 Goods used bearing Registration No.TN 59 BW 5997. Due to natural calamities, the third respondent was not able to mobilize funds for repayment and her vehicle was taken into possession by the first respondent on 03.08.2019. Furthermore, the third respondent received a notice from the first respondent demanding Rs.14,38,544/- from the petitioner. Hence, the matter was referred to the second respondent for arbitration by the first respondent and the award, dated 09.12.2021 came to be passed behind their back and the petitioners were set *ex parte* and the award came to be passed as such prayed for. Thereafter, the petitioners filed O.P.No.121 of 2023 to set aside the *ex parte* arbitration award on 21.11.2023 and an application in E.A.No.1 of 2024 to stay the execution proceedings in E.P.No.18 of 2023. The learned Additional District Judge, Virudhunagar dismissed the stay application on 18.04.2024 stating the stay petition can only be entertained in O.P.No.



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121 of 2023. Accordingly, on 01.10.2024, the petitioners filed I.A.No.1 of 2024 in O.P.No.121 of 2023 on the file of the learned Principal District Judge, Srivilliputhur. Now the application filed for stay is kept pending without any progress. Hence, the present Civil Revision Petition is filed.

3. Heard the learned counsel appearing for petitioner. Since the revision is filed for seeking early disposal, no notice is necessary to the respondent.

4. Having been taken into consideration of the material facts and circumstances, this Court is of the view that in the interest of justice, a direction may be issued to the learned Principal District and Sessions Court, Srivilliputtur to dispose of the case as expeditiously as possible.

5. Accordingly, this Civil Revision Petition stands disposed of with a direction to the learned Principal District and Sessions Court, Srivilliputtur to dispose of the case in I.A.No.1 of 2024 in Arbitration



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O.P.No.121 of 2023 pending on his file, within a period of two (2) months from the date of receipt of a copy of this order on merits and in accordance with law. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Principal District and Sessions Court,
Srivilliputtur.
- 2.The Additional District Court,
Virudhunagar.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)No.3130 of 2024

12.12.2024