



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.B. BALAJI

C.R.P(NPD)No. 1169 of 2025

The Unorganized Employees Cooperative
Society Limited,
Represented by its Managing Director, S.P.Bharathee,
District Board Buildings, 1st Floor,
Salem – 636 001

...Petitioner

-VS-

1. S.Jayaraman
2. J.Sumathy
3.J.Sankar
4.K.Yogesh

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 24.01.2025 made in Execution Petition No.22 of 2024 in Arbitration Original Petition No.02 of 2022 dated 24.01.2025 passed by the Commercial Court, District Judge, Salem.

For Petitioner : Ms.D.Meera

For Respondents : Mr.L.Mouli



ORDER

This Civil Revision has been filed seeking to set aside the fair and decretal order dated 24.01.2025 made in Execution Petition No.22 of 2024 in Arbitration Original Petition No.02 of 2022 passed by the Commercial Court, District Judge, Salem.

2. The petitioner who is the decree holder, has filed the present revision petition challenging the dismissal of the execution petition on the suo motu objection raised by the Court that the appointment of the Arbitrator was made unilaterally and therefore, it was contrary to the amendment brought to the Arbitration and Conciliation Act.

3. The learned counsel for the petitioner has brought to the notice of this Court that the proceedings appointing the Arbitrator was not a case of unilateral appointment, but an appointment made under Section 84 of the Multi State State Cooperative Societies Act, 2002.



4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. I have gone through the proceedings in Rc.No.48860/2022/SA 1 dated 10.08.2022. The said order has been passed in exercise of the powers conferred on the Registrar of Cooperative Societies under Section 84 to appoint Arbitrators to settle or decide monetary disputes between the Unorganized Employees Cooperative Limited, Salem being a Multi State Cooperative Society and the individual members who are due and payable monies to the Society. Section 84 of the Multi State Cooperative Societies Act vests the power of the appointment of an Arbitrator with the Registrar under Section 84 of the Act and it is only in exercise of the said power that the Arbitrator has been appointed in the present case. It is, therefore, not in violation of the provisions of the Arbitration and Conciliation Act warranting dismissal of the execution petition on the ground of unilateral appointment of the Arbitrator.



6. In the light of the above, the order dismissing the Execution Petition No.22 of 2024 is set aside and the Civil Revision Petition is allowed. The Executing Court shall decide the Execution Petition on merits after giving an opportunity to the respondents/judgment Debtors. It is open to the parties to negotiate a settlement by making a request to refer the matter to the Mediation Centre attached to the Commercial Court, Salem. The execution petition shall be listed for hearing on 08.12.2025 before the Commercial Court, District Judge, Salem. If the parties choose to settle the matter amicably, the matter shall be referred to time-bound mediation, requiring the parties to report back within a period of four weeks. If the matter is settled, the settlement shall be recorded and the execution petition disposed of. However, if no settlement is reached, the Execution Court shall proceed to decide the Execution Petition on merits and dispose of the same within a period of six weeks thereafter. No costs.

04.11.2025

Index : Yes/No
Speaking Order : Yes / No
srn



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To

The Commercial Court, District Judge, Salem.

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P.B. BALAJI, J,

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