

Appln. No. 1400 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-06-2025**

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Application No. 1400 of 2025

Mrs.Aparna Reddy,

Vs

..Applicant

1. Devulapalli Dwarakantha Reddy,
2. K.Rajyalakshmi
3. Mrs.D.Deepa Reddy,
4. Mr.D. Sunil Reddy,
5. Mr.Vishal Reddy
6. M/s.Sritha Construction P Limited
7. K.Sreenivasalu Reddy,
8. Mrs.Geetha

..Respondents

For Applicant: M/s.Rukmoni R.V

For M/s. P.B.Ramanujam Associates

For Respondents: Mr.K.K.Prashant Kamaraju

Mr.V.K.Bhuvaneshwar

ORDER

This application has been filed under Section 29A(5) of the Arbitration and Conciliation Act seeking for extension of time for the arbitrator to pronounce the arbitral award by another period of six months. The following reasons have been given by the applicant for seeking extension of time for the arbitrator to pronounce the arbitral award.



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a). On 02.02.2024, the matter was posted for trial before the arbitrator. The respondents 4 to 6 filed an application in I.A.No. 1 of 2024 seeking appointment of Advocate Commissioner to inspect and to file a report regarding physical features and works done and value thereof. The matter was adjourned for filing counter by 16.02.2024, and the said application was posted for hearing before the Arbitrator on 20.02.2024.

b). The matter was once again taken up for hearing by the arbitrator on 29.02.2024. On 29.02.2024, the respondents 4 to 6 engaged a new counsel. In Application No. 3303 of 2023, this Court by order dated 03.07.2023 granted extention of time for the arbitrator to pronounce the arbitral award, by another period of six months. The said six months expired on 24.02.2024. The delay arose only on account of respondents 4 to 6, who had filed an application when the matter was ripe for trial, seeking for appointment of Advocate Commissioner to inspect and to file a report regarding the physical features and works done and the value thereof in respect of the property which is the subject matter of the dispute.

c) The arbitral mandate got expired on 24.02.2024 and the application in A.No. 3956 of 2024 was filed before this Court, seeking further extention of time for the arbitrator to pronounce the arbitral award and this Court by its order dated 14.08.2024 extended the time by another period of six months for completing the arbitral proceedings.



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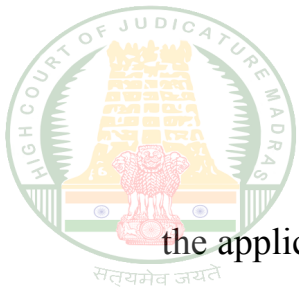
d). According to the applicant, pursuant to the time granted by this Court for the arbitrator to pronounce the arbitral award, the claimant-1 appeared on behalf of himself and Claimant-2 filed his proof affidavit and marked documents and was cross examined as CW1 on 05.09.2024 and 13.11.2024.

e) On 30.12.2024, claimants 3 to 5 represented by the 4th claimant filed proof affidavit and marked documents Ex C 22 to C 36. The 4th claimant was cross examined by the learned counsel for the respondents 4 to 6 on 30.12.2024 and 04.02.2025. The next date of hearing was fixed by the arbitrator on 19.02.2025, By that time the mandate of arbitral proceedings got expired.

2. Only under the aforementioned circumstances, there became necessity for the applicant to come forward with this application, seeking for further extension of time for the arbitrator to pronounce the arbitral award, by another period of six months.

3. A counter affidavit has been filed by the respondents in this application, objecting to the grant of any further extension of time as prayed for by the applicant.

4. As seen from the counter affidavit, the respondents have primarily dealt with the merits of the arbitral claim pending before the arbitrator. Except for stating through a bald statement that no sufficient cause has been shown by



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the applicant for seeking extention of time under Section 29A of the Arbitration

and Conciliation Act, it is not supported by other facts which will establish that

the applicant was the sole cause for not completing the arbitral proceedings on time.

5. Learned counsel for the applicant further submitted that the respondents 6 to 8 have not paid the Arbitrator's fees as per the directions of this Court, when this Court had appointed the Arbitrator under Section 11 of Arbitration and Conciliation Act, 1996. The said fact is also not disputed by the learned counsel for the respondents 6 to 8. However he would submit that a part of the fees was paid to the arbitrator. Learned counsel for the respondents 6 to 8 would also submit that the applicant has also not paid the fees to the arbitrator, but the same is disputed by the learned counsel for the applicant. The arbitration is in the final stages. The trial has already commenced and the witnesses have already been examined on the side of the applicant and they have also been cross examined by the learned counsel for the respective respondents before the tribunal.

6. As seen from the proceedings before the arbitrator, only after the trial has commenced, the respondents have filed an application seeking for appointment of an Advocate Commissioner for the purpose of inspecting the property and submit a report with regard to the physical features, works done by



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the respondents in the property and its value. The very same application could

have been filed by the respondents even before the commencement of trial, but

the respondents had chose to file the same only after commencement of trial.

The respondents have also not paid the arbitrator's fees in full as per the

schedule fixed by this Court in its order passed under Section 11 of the

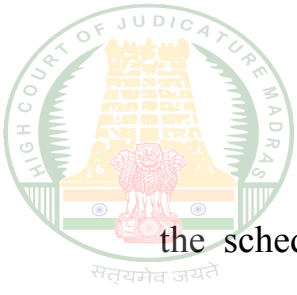
Arbitration and Conciliation Act, 1996. When the respondents have not paid

the fees to the arbitrator in full as per the schedule fixed by this Court, the

question of giving audience to the respondents in this application, does not arise

and on that ground as well the objection raised by them have to be rejected.

7. There is no restriction under Section 29A of Arbitration and Conciliation Act with regard to number of extentions that can be sought for before this Court. The only criteria that has to be satisfied by the applicant for seeking extention of time is that the applicant will have to show sufficient cause for seeking extention of time. As seen from the proceedings of the arbitrator which has been recorded supra in this Court's order, there has been no deliberate delay on the part of the applicant to proceed with the arbitration. Further, it cannot be established that, the applicant was the sole cause for the delay in the completion of the arbitral proceedings. Since sufficient cause has been shown for seeking extention of time for the arbitrator to pronounce the arbitral award and since the respondents have also not paid the arbitrator's fees in full, as per



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the schedule fixed by this Court, necessarily, the prayer sought for in this application has to be granted.

8. Accordingly, this application is allowed by granting extention of time for the arbitrator to pronounce the arbitral award, by another six (6) months from the date of receipt of a copy of this order. No costs.

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ABDUL QUDDHOSE, J.

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