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Rev.Appln.No. 36 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Review Application No. 36 of 2025

In

O.S.A.No. 60 of 2023

M.A.K.Earth Movers
A Partnership Firm rep. By its Partner
Kulothungan,
Old No.17, New No.78, Jaganathan Street,
Agaram, Chennai – 600 082.
Also at No.10, 6th Street, Sivarajapuram,
Chennai – 600 082.

... Appellant

Vs.

L & T Finance Limited,
Registered Office at L & T House,
Ballard Estate, Mumbai ? 400 001.

Corporate Office at
No.3~B, Lakshmi Towers,
C~25, G Block, Bandra~Kurla Complex,
Bandra (E), Mumbai ? 400 051.

Also at
L & T Finance Limited
rep. By its Zonal Legal Manager
C.Balasubramanian,
Monteith Place, 47, Montieth Road,
Chennai – 600 008.



2.A.Santhosh Kumar

3.A.Sasikumar

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4.Bharat B.Jain,
Sole Arbitrator,
Ramjishivnarayan Building,
RM No.5, 2nd Floor, Vijay Mansion,
Near Canara Bank, Kurla (W),
Mumbai ? 400 070.

... Respondents

Prayer: Review Application filed under Order XLVII, Rule 1 of C.P.C r/w
Section 114 of C.P.C., to review the order dated 29.02.2024 made in
O.S.A.No.60 of 2023.

For Appellant : Mr.Kulothungam, Party-in-Person

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

There is no ground for review. We had dismissed the appeal on the
ground that the conclusion of the learned single Judge that the review
petition filed under Section 34 of the Arbitration and Conciliation Act is
clearly barred by time.



2. In para 7 of the order impugned in the appeal, the learned Single

Judge had observed as follows:-

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“7. As a matter of fact, the record shows, that the award impugned in served the present proceedings was As would be evident The on Mr. Kulothungan. from the cause title, the present proceedings have been initiated by the petitioner, via Mr. Kulöthungan. acknowledgement due cards, show receipt by the partner i.e., respondent No.2 and guarantor of the petitioner i.e. respondent No.3, on 20.05.2013. Furthermore, the record shows that the petitioner, the firm itself had also received the award on 20.05.2013. Section 34 petition has been filed, admittedly, on 30.02014. Clearly, the petition is way beyond time and therefore, cannot be entertained. This Court has no power to condone the delay. (See Union of India v. Popular Construction Co., (2001 (8) SCC 470)).”

3. In the light of such factual findings, we do not think, a case for review can be entertained. Hence, this Review Application is dismissed.

No costs.

(R.S.M., J.) (R.S.V., J.)
19.06.2025

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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

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