



CMP No. 21133 of 2025 in
Arb Appeal (SR) No.92212 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR
AND
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR

CMP No. 21133 of 2025
in
Arb Appeal (SR) No.92212 of 2025

1. M/s.Sri Mutharamman Travels
and Transport,
Represented by its Sole Proprietor
P.Sivakumar, No.54, GVT
Complex, Varatharajapuram,
Nagathamman Nagar, Poonamallee,
Chennai -600 123. and another

2. Shunmuga Devi S
W/o.P.Sivakumar, No.67, 9th Street,
Kamaraja Nagar, Avadi,
Thiruvallur, Chennai -600 071.

... Petitioners



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Vs

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Hinduja Leyland Finance Limited,
No.27A, Developed Industrial
Estate, Guindy, Chennai -600 032.

... Respondent

Civil Miscellaneous Petition filed under Section 5 of Limitation Act, 1963 read with Section 151 of the Civil Procedure Code, 1908 to pass an order to condone the delay of 103 days in filing the instant Arbitration Appeal filed against the Impugned Order dated 07.01.2025 passed by the Arbitral Tribunal constituted by Indian Centre for Industrial Commercial Arbitration at Chennai, comprising of a Sole Arbitrator in I.A. No.661 of 2024 in A.C.P. No.425 of 2024.

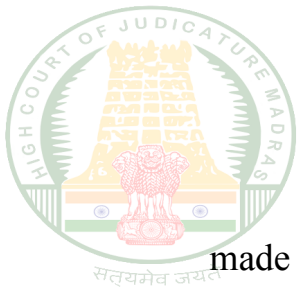
For Appellant(s): Mr.Raghavendra Ross Divakar
for Mr.B.Kishore
of M/s.Dua Associates (Law Firm)

For Respondent(s): Mr.M.Arunachalam

ORDER

(Order of the Court was made by M.Sundar J.)

Captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity] has been filed with a 'Condonation of Delay' ['CoD' for the sake of brevity] prayer seeking condonation of 103 days delay in filing captioned appeal, which is directed against an order dated 07.01.2025



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made by a 'Arbitral Tribunal' ['AT' for the sake of brevity] *inter alia*

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permitting repossession and sale of vehicles (we are informed that they are tipper trucks) which are subject matter of arbitration.

2. As regards CoD prayer, Mr.Raghavendra Ross Divakar, learned counsel representing Mr.B.Kishore of M/s.Dua Associates (Law Firm) submits that there was lapse in communication between erstwhile counsel before AT and the client but this is opposed by Mr.M.Arunachalam, learned counsel for respondent and learned counsel advertng to impugned order i.e., order made by AT vide Section 17 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)' [hereinafter 'A and C Act' for the sake of convenience and clarity] submitted that the petitioners have participated and were even given time to file counter affidavit but they have not filed a counter affidavit.

3. Be that as it may, given the nature of the matter, facts and circumstances of the case and more particularly the trajectory the matter has taken thereafter {to be noted, mandate of the AT has been terminated



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by way of a judicial order in Section 14 petition (order dated 05.08.2025

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in Arb.O.P. (Com.Div.) Nos.302 & 317 of 2025)}, we are inclined to take a liberal view in this matter, accept the lapse in communication reason as it is post impugned order and condone the delay.

4. In the captioned CMP, delay is condoned and we write that CMP is ordered as prayed for. There shall be no order as to costs.

Registry is directed to process the appeal and assign a number, if it is otherwise in order.

(M.S.,J.) (M.S.K.,J.)
10.09.2025

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M.SUNDAR J.
AND
MUMMINENI SUDHEER KUMAR J.

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