



Application No.3986 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Application No.3986 of 2025

M/s.Ankur Khusal Construction LLP,
Represented by one of its Partner,
Mr.Siddharth N Maher
New No.49, Old No.25,
Barnaby Road, Kilpauk,
Chennai - 600 010.

.... Applicant

Vs.

1. Mr.M.Muthuramalingam (Deceased)
S/o.M.Marimuthu

2. Mrs.Muthulakshmi,
W/o.M.Marimuthu

3. Ms.Mithila,
Minor daughter of late M.Muthuramalingam

.... Respondents

For Applicant : Mr.J.L.Dolia, Senior Counsel
for M/s.Aiyar and Dolia

For Respondents : Mr.B.Gurumuthy [R1]
Mr.Rajasekar [R2]
Mr.Arun Anbumani[R3]



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ORDER

This application has been filed under Section 29A of the Arbitration and Conciliation Act, 1996 [for brevity, hereinafter referred to as 'the Act'] for extension of period for completion of arbitration proceedings pending before the sole Arbitrator.

2. This Court heard the learned counsel appearing on behalf of the applicant and the learned counsel appearing on behalf of the respondents 2 and 3.

3. The learned counsel appearing on behalf of the second respondent submitted that this application for extension of time has been filed by raising a false ground before this Court. Learned counsel therefore opposed the ground that was taken seeking for extension of time since the applicant has not approached this Court with clean hands.

4. A representation was made by one of the counsel representing the sister of the deceased and submitted that she also has a say in this case and that attempt is being made to conduct the case behind



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the back of the sister.

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5. In the considered view of this Court, the scope of an application under Section 29A of the Act is very limited. The Apex Court in the case of *M/s.Ajay Protech Pvt. Ltd., Vs. General Manager & Anr.* reported in *(2024) SCC Online SC 3381* has held that the Court must only facilitate an effective dispute resolution and should not obstruct it.

6. The liberal interpretation given to Section 29A application was further reiterated in the case of *Rohan Builders (India) Pvt. Ltd., Vs. Berger Paints India Ltd.*, reported in *(2024) SCC Online SC 2494*, wherein the Apex Court went to the extent of saying that such a application is maintainable even after the prescribed period is over. Therefore, the consistent view of the Apex Court is that only in rare cases such extension of time should not be granted and normally, the Court must ensure that the time is extended for facilitating the effective dispute resolution.

7. On hearing the learned counsel for the second respondent and also the counsel, who is appearing for the sister of the deceased, it is



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seen that they are multiple parties in this case, who wanted to put forth their case before the Arbitral Tribunal. The second respondent is already a party to the proceedings. Hence, the second respondent can always raise all the grounds before the Arbitral Tribunal. Insofar as the sister is concerned, the Tribunal can always entertain the claim made by the sister, if she has any claim. The parties can be impleaded if necessary by the Tribunal and the Apex Court held that the Tribunal has implied powers to do so. Useful reference to the judgment in the case of ***ASF Buildtech Private Ltd., Vs.*** reported in ***2025 SCC online SC 1016***. Therefore, it is left open to the sister to work out her remedy in the manner known to law.

8. Taken into consideration the fact and circumstances of the case and the submissions made on either side and the materials placed before this Court, this Court is inclined to extend the time by six months. It is seen that the Arbitrator was appointed by this Court pursuant to an order dated 31.03.2022 and the proceedings are yet to come to an end, therefore, it is made clear that the proceedings will be completed within the extended period and all the parties concerned shall co-operate for the completion of the proceedings.



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This application is disposed of in the above terms.

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N.ANAND VENKATESH, J.

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