



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

A No. 5047 of 2025

and

A No. 5048 of 2025

Mr.Syed Yousef, Sole Proprietor
M/s.KGN Industries
No.13, 1st Cross Chikkahulluru,
Hoskote, Bangalore Rural 562 114.

Applicant(s)

Vs

1. M/s Sundaram Finance Limited
Rep By Its Managing Director
No 13/1. Patullos Road
Chennai – 600002.

2.Syed Shahid
S/o.Syed Rahim,
No 317, 4th Cross Street, 1st Main
Road, Dargah Mohalla, Vijnapuram,
Doorvaninagar, Bangalore-560016.

Respondent(s)

A No. 5048 of 2025



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Sole Proprietor
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Respondent(s)

A No. 5047 of 2025

PRAYER

To condone the delay of 61 days in filing the appeal in A.No.2890 of 2025 in Arb.O.P.(Comm.Div)D.No.40629 of 2023.

A No. 5048 of 2025

PRAYER

To condone the delay of 61 days in filing the appeal in A.No.2891 of 2025 in Arb.O.P.(Comm.Div)D.No.40629 of 2023.



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For Applicant(s): Mrs.Sekina Reshma R.K.

For Respondent(s): Mrs.Nagalakshmi

COMMON ORDER

These applications have been filed to condone the delay of 61 days in filing the appeals in A.No2890 & 2891 of 2025 in Arb.OP.(Comm.Div)D.No.40629 of 2023.

2.It is seen that the applicant herein has already filed two applications viz., in A.Nos.2890 & 2891 of 2025, seeking to condone the delay of 723 days in representation of Section 34 application and to condone the delay of 743 days in paying the deficit court fee and the same came to be dismissed vide order dated 01.07.2025 by the learned Master.

3.Heard the learned counsel for the applicant and the learned counsel for respondents.



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4. In the considered view of this Court, the issue regarding the payment of deficit Court fee is squarely covered by the earlier order of this Court made in A.Nos.4872, 4874 of 2025 dated 23.10.2025. The relevant portion is extracted hereunder:

29. All the above judgments make it clear that filing of a petition with deficit Court fee cannot be construed as proper presentation of the petition. If such presentation of the petition has to be regularized, the deficit Court fee must be paid within the limitation period prescribed under Section 34(3) of A and C Act. If the same is not done, the Court is divested of its power to condone the delay in the light of mandate prescribed under Section 34(3) of A and C Act. In other words, improper presentation of the petition by paying deficit Court fee, does not arrest the limitation period prescribed under sub-section (3) of Section 3 of A and C Act, unless the deficit Court fee is paid within the limitation period prescribed in that provision. If the limitation period is crossed, an application filed thereafter to



condone the delay in paying the deficit Court fee cannot even be entertained, since it goes beyond the power of the Court which is circumscribed under Section 34(3) of A and C Act.

5. In the case in hand, there is no dispute with regard to the fact that the petition was filed with a delay of 743 days in payment of deficit court fee. This delay cannot be condoned since it goes beyond the limitation period prescribed under Section 34(3) of the Arbitration and Conciliation Act.

6. In the light of the above discussion, it is not necessary for this Court to go into the other issue regarding delay in representation. Accordingly, the order passed by the learned Master dated 01.07.2025 in A.Nos.2890 and 2891 of 2025, is confirmed and these applications are accordingly dismissed. No costs.

24-11-2025

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To

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N.ANAND VENKATESH J.

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