



C.R.P.No.1332 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 01.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1332 of 2025

M/s.Unique Builders,
Represented by its Partner Mr.N.Sreenivasan,
No.1369, V Street, Golden Colony,
Padi, Chennai - 600 050.
Presently at, D.N.Plaza, 2nd Floor, Thiruvalluvar Salai,
Thiruvalluvar Nagar, Mugappair East, Chennai-600037 ... Petitioner

Vs

1. Union Of India.
Represented by the General Manager,
Southern Railway, Head Quarters Office,
Park Town, Chennai – 600 003.
2. The Divisional Engineer,
SW/TVC, Thiruvanthapuram Divisional Engineering,
Works Branch Divisional Office,
Southern Railways, Thycaud,
Thiruvanthapuram – 695 014. ... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to allow this revision petition and direct the Executing Court to process and number the execution petition EP (Filing) No. 4836 of 2024 on the file of City Civil Court Chennai, in the Arbitration Award dated 02.09.2023 under



C.R.P.No.1332 of 2025

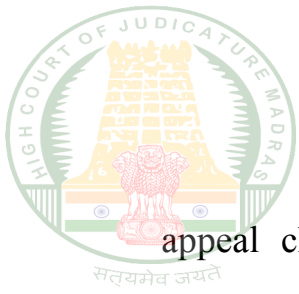
Order 21 Rule 43 and 64 of CPC, with a reasonable time frame and dispose of the said Execution petition within a reasonable time frame as stipulated by this Court.

For Petitioner : Mr.P.J.Rishikesh

ORDER

This Civil Revision Petition has been filed seeking to direct the Executing Court to process and number the execution petition EP (Filing) No. 4836 of 2024 on the file of City Civil Court Chennai, in the Arbitration Award dated 02.09.2023 under Order 21 Rule 43 and 64 of CPC, and dispose the same within a stipulated time.

2. The case of the petitioner is that the dispute is regarding No.32/TVS/2020 dated 13.02.2020 – SRR ERS section proposed subway at KM dot 7647100-800 (LC No.59A) and the same was referred to the sole Arbitrator, who was appointed pursuant to the order passed by this Court on 29.03.2021 in O.P.No.173 of 2021, to adjudicate the dispute between the parties. The Arbitrator passed an award on 25.11.2023 stating that the petitioner/claimant is entitled to a sum of Rs.40,79,590.50/- from the respondents. Since the respondents have not filed an



C.R.P.No.1332 of 2025

appeal challenging the Award, the said Award has become final. Since the respondent failed to comply with the award, the petitioner has filed an execution petition under Order XXI Rule 43 & 64 of CPC on 17.04.2024 in EP (Filing) No. 4836 of 2024 seeking for a direction to pay an amount of Rs.43,55,214.31/- including interest as on 09.04.2024 (As on date, it sums to Rs. 47,75,020.38/- including interest), whereas, the Executing Court, without numbering the petition, returned the same on e-mode with an endorsement “1. Column Numbers 4 to 12 to stated correctly. 2. Counsel sign nil in EP 3. Process and Notice to be filed”. Challenging the same, the present Civil Revision Petition has been filed.

3. Learned counsel appearing for the petitioner submitted that apart from the present execution petition, several other execution petitions are also returned on the ground of appointment of a sole arbitrator. He further submitted that it is not a case of unilateral appointment of the Arbitrator, however, after the dispute, the Arbitrator was appointed pursuant to the order of this Court and the executing Court does not consider the fact that there is a difference between the appointment of a sole Arbitrator and an unilateral appointment. He also submitted that the executing Court was not correct in returning the execution petition without



C.R.P.No.1332 of 2025

numbering the same. Hence, he sought for a direction to the Executing Court to

number the execution petition and to dispose of the same within a reasonable time.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. A perusal of the record shows that the execution petition was not returned on the ground of appointment of a sole Arbitrator and therefore, the petitioner is directed to comply with the returns and if the execution petition is returned on the sole ground of maintainability of appointment of sole Arbitrator, the Executing Court shall number the same and dispose the same in accordance with law as expeditiously as possible.

6. With the above directions, the Civil Revision Petition stands disposed of.

No costs.

01.04.2025

Note : Registry is directed to return the original papers to the counsel for the petitioner

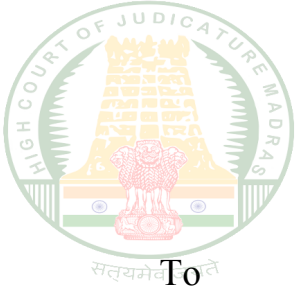
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ham



C.R.P.No.1332 of 2025

WEB COPY

- To
1. Union Of India.
Represented by the General Manager,
Southern Railway, Head Quarters Office,
Park Town, Chennai – 600 003.
 2. The Divisional Engineer,
SW/TVC, Thiruvanthapuram Divisional Engineering,
Works Branch Divisional Office,
Southern Railways, Thycaud,
Thiruvanthapuram – 695 014.
 3. The City Civil Court, Chennai.
 4. The Section Officer,
VR Section, High Court of Madras.



WEB COPY



C.R.P.No.1332 of 2025

A.D.JAGADISH CHANDIRA, J.

ham

C.R.P.No.1332 of 2025

01.04.2025

2/2