



C.R.P.(PD)(MD)No.742 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.742 of 2025

1.Keshinjini

2.Baby Shally mol

...Petitioners/Petitioners

Vs.

Shriram City Union Finance Limited,

Head Office at

No.123, Ankappa Nayakkan Street,

Chennai - 600 001.

The Branch Office at

No.87-A, Kandhan Complex 1st Floor,

Main Road, opposite to bus stand,

Vallioor - 627 117.

Rep. by its authorized Agent

Mariappan

...Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Principal District and Sessions Court, Kanniyakumari District at Nagercoil, to number the arbitration O.P.filing No.1189 of 2024.

For Petitioners : Mr.A.Balakrishnan

* * * * *



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ORDER

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The revision petitioners have suffered an arbitration award, dated 23.11.2022, in A.C.P.TF.No.314 of 2022, which was initiated by the respondent finance company. Based upon the said arbitration award, the respondent finance company had initiated E.P.No.12 of 2024, before the Sub Court, Eraniel.

2. According to the learned Counsel appearing for the revision petitioners, the award was passed ex-parte and a copy of the award was not served upon the Judgment debtor. Only when they received notice in the execution proceedings, the revision petitioners came to know about passing of the award. According to the petitioner, they applied for a copy of an arbitration award in the execution Court and got a copy of the same on 25.10.2024. The present Arbitration O.P. filing No.1189 of 2024, has been filed before the Principal District and Sessions Court, Kanyakumari District at Nagercoil on 19.11.2024. The said Arbitration O.P. has been returned by the Principal and District Sessions Court on the ground that the award has been passed by the an Arbitrator at Tirunelveli, and therefore, only the District Court, Tirunelveli, will have jurisdiction. The learned District and Sessions Judge, Kanyakumari, has also raised an objection with regard to the limitation for filing the Arbitration O.P. Challenging the order of return, the present revision petition has been filed.



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3. According to the learned Counsel appearing for the revision petitioners, even in the Arbitration O.P., it has been averred that the award was not served upon the revision petitioners. Until the revision petitioners receive a copy of the arbitration award, the period of limitation will not start running.

4. I have considered the submissions made on either side and perused the materials available on record.

5. It could be seen from the records that the arbitrator has passed the award on 23.11.2022 at Tirunelveli. Therefore, it is clear that the arbitration award can be challenged only before the Principal District and Sessions Court at Tirunelveli. The return order of the Principal and District Sessions Court, Kanyakumari, has to be sustained on the above said aspect.

6. As far as the return relating to limitation is concerned, it is the specific case of the revision petitioners that they have not been served with a copy of the award and they got a copy of the award through the executing Court only on 25.10.2024, and filed the Arbitration O.P. on 19.11.2024. In such circumstances, the learned Principal and District Sessions Judge, Tirunelveli, is



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directed to number the arbitration O.P. subject to the objections to be raised on the side of the finance company with regard to limitation during enquiry.

7.With the above said observations, this Civil Revision Petition stands disposed of. No costs.

8.The Registry is directed to return the original impugned order after getting due acknowledgment from the learned Counsel appearing for the revision petitioners.

13.03.2025

Internet:Yes/No
Index:Yes/No
RJR

To

1.The learned Principal and District Sessions Judge,
Tirunelveli.

2.The learned Principal District and Sessions Judge,
Kanyakumari District at Nagercoil.

3.The Sub Judge, Eraniel.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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