

C.M.A.(MD)No.318 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.318 of 2022

and

C.M.P.(MD)No.2910 of 2022

K.Dharmaraj

... Appellant

Vs.

M/s.Shriram Transport Finance Company Ltd.,
represented by its Power of Attorney
Mr.P.Vellaichamy,
No.123, Angappa Naicken Street,
Chennai – 600 001.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Order 37 (2)(B) of Arbitration and Conciliation Act, 1996, to set aside the order dated 31.07.2021 passed in I.A.No.1 of 2021 in Arbitration Case No.VA04 of 2021 which is pending on the file of Sole Arbitrator.

For Appellant : Mr.R.Saravanakumar

For Respondent : Mr.Anand C.Rajesh



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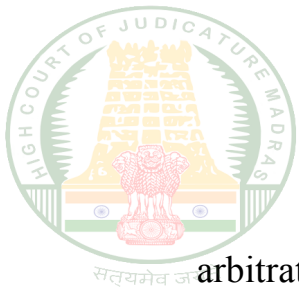
JUDGMENT

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This Civil Miscellaneous Appeal has been filed challenging the order dated 31.07.2021 passed in I.A.No.1 of 2021 in Arbitration Case No.VA04 of 2021 which is pending on the file of Mr.K.Paramaraj B.A.B.L., Sole Arbitrator / District Judge (F), Madurai.

2. When the matter came up for hearing, the learned Counsel appearing for the respondent submitted that already the Arbitration case has already been disposed of, and therefore, nothing survives in this civil miscellaneous appeal, which was preferred as against the order passed by the Arbitration Court in the interim application. Hence, the learned Counsel pressed for closure of the appeal.

3. Per contra, the learned Counsel appearing for the appellant categorically submitted that the entire proceedings before the Arbitrator were proceeded without issuing notice to the respondent in the arbitration case, and a final order was also been passed. In the aforesaid final order, the IA order was not implemented. However, it is mandatory for the



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arbitrator to serve the final arbitration award on the appellant herein, and the said exercise has not been carried out.

4. In this regard the learned Counsel for the respondent duly served a copy of the final arbitration award to the learned Counsel for the appellant today. The appellant has now received the final arbitration award. Since the award was passed ex-parte, liberty is granted to the appellant to file an application for setting aside the ex-parte arbitration award and the same shall be challenged within a period of four (4) weeks from the date of receipt of a copy of this order. The Arbitrator shall not go into the point of limitation, as the civil miscellaneous appeal has been pending before this Court till date.

5. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

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To

1. Mr.K.Paramaraj B.A.B.L.,
Sole Arbitrator / District Judge (F),
Madurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

jbr

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26.03.2025