



C.R..P.(PD)(MD).No.598 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.598 of 2021
and
C.M.P.(MD)No.3300 of 2021

Robert Sam

... Petitioner

Vs.

The Superintending Engineer,
Public Works Department,
Vaipar Basin Circle,
Virudhunagar,
(Employee).

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of the Constitution of India, to strike off the petition in Ar.O.P.No.22 of 2018 pending on the file of the District Court, Virudhunagar at Srivilliputhur.

For Petitioner : Mr.A.Balakrishnan
For Respondent : Mr.B.Saravanan
Additional Government Pleader



C.R..P.(PD)(MD).No.598 of 2021

WEB COPY

ORDER

This Civil Revision Petition is filed seeking to strike off the petition in Ar.O.P.No.22 of 2018 pending on the file of the District Court, Virudhunagar at Srivilliputhur.

2.The learned counsel for the petitioner submits that the petitioner is the respondent in the arbitration original petition filed by the respondent in Ar.O.P.No.22 of 2018 on the file of the District Court, Virudhunagar at Srivilliputhur. The petitioner herein is a Contractor. He entered into a contract with the respondent for carrying out necessary PWD works. After completion of the said work, the amount was not paid. Thereafter, the matter was referred to the sole Arbitrator. The sole Arbitrator passed an award in favour of the petitioner on 15.02.2018.

3.As against the said award, the respondent filed an arbitration original petition to set aside the award passed by the sole Arbitrator under Section 38 of the Arbitration and Conciliation Act, 1996 on 20.09.2018 with a delay of 18 days. However, the respondent has not filed any application to condone



C.R..P.(PD)(MD).No.598 of 2021

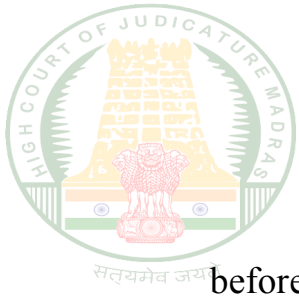
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the delay of 18 days. Even then, the Lower Appellate Court had entertained the petition filed by the respondent in violation of the provision of the Arbitration and Conciliation Act.

4.The learned counsel for the respondent would submit that even there is a delay in filing the arbitration petition as against the order passed by the sole Arbitrator, the said issue can very well be canvassed before the Lower Appellate Court. Without filing any application before the Lower Appellate Court, the petitioner has filed this Civil Revision Petition and the same is not permissible.

5.The fact in the present case is not disputed. Admittedly, the petitioner obtained an arbitral award in his favour. It is also equally undisputed that the the petitioner has not filed any application before the Lower Appellate Court raising the point of delay and he has chosen to straight away approach this Court by way of this petition.

6.In view of the above, this Civil Revision Petition is dismissed with liberty to the petitioner to canvass all the grounds raised in this petition



C.R..P.(PD)(MD).No.598 of 2021

WEB COPY

before the Lower Appellate Court including the ground of delay. No costs.

Consequently, connected miscellaneous petition is closed.

10.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Court, Virudhunagar
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.R..P.(PD)(MD).No.598 of 2021

M.DHANDAPANI,J.

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C.R.P.(PD)(MD)No.598 of 2021

10.06.2025