



C.R.P.(PD)(MD).No.1681 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1681 of 2022

and

C.M.P.(MD)No.7388 of 2022

1.Ponnuthai

2.Arjunan

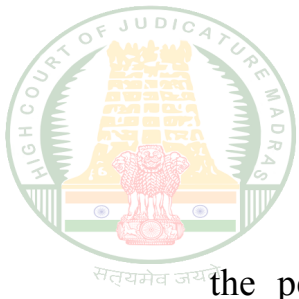
... Petitioners

Vs.

M/s.Shriram City Union Finance Ltd.,
No.30, Angapa Naicken Street,
Chennai having its Recovery Office at
No.73, S.S.R.Tower 1st Floor,
Syndicate Bank Upstair, RS Road,
Nagal Nagar,
Dindigul-624 003,
Represented by its
Authorized Signatory.

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to call for the entire records of the respondent resulting in the impugned Ex-parte Arbitration Award dated 30-12-2017 passed in A.C.P.No. 701 of 2017 by the Sole Arbitrator at Dindigul and consequential EP proceeding initiated in E.P.No.133 of 2018 on the file of the Additional District Court, Dindigul and set aside the same and consequently direct the respondent to give all sort of reasonable opportunity to put -forth the case of



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the petitioners and thereafter to decide the subject matter of the issue involved in their loan account No.00101010462867 on merits and in accordance with law.

For Petitioner : Mr.V.R.Venkatesan
For Respondent : Mr.J.Barathan

ORDER

The Civil Revision Petition is filed challenging the ex-parte Arbitration Award dated 30-12-2017 passed in A.C.P.No.701 of 2017 by the Sole Arbitrator at Dindigul and consequential EP proceeding initiated in E.P.No. 133 of 2018 on the file of the Additional District Court, Dindigul

2.The claim of the petitioners is that the first petitioner obtained loan from the respondent Finance Company. The petitioners defaulted in repayment of loan. Therefore, the respondent initiated arbitration proceedings before the Sole Arbitrator as against the petitioners and obtained an award. Thereafter, the respondent filed execution proceedings. Challenging the award and the execution proceedings, the petitioners have filed this Civil Revision Petition.



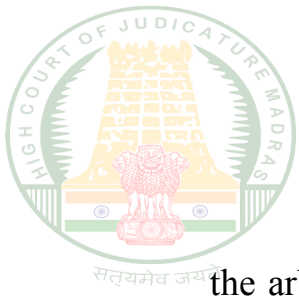
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3.The learned counsel for the petitioners submits that no summon was issued to the petitioners with regard to the arbitration proceedings before the Sole Arbitrator and the respondent obtained an *ex-parte* award as against the petitioners. The award passed by the Sole Arbitrator was also not served to the petitioners. However, the petitioners managed to get the certified copy of the award through Court. He further submits that pursuant to the earlier direction of this Court, the petitioners to show their *bona fide* has deposited a sum of Rs.8 lakhs before the Executing Court.

4.The learned counsel for the petitioners fairly submits that as against the order passed by the Sole Arbitrator, there is an alternative effective appeal remedy under Section 34 of the Arbitration and Conciliation Act before the appellate authority. Hence, this Court may grant liberty to the petitioners to work out their remedy by way of filing an appeal under Section 34 of the Act.

5.Per contra, the learned counsel for the respondent submits that prior notice was served to the petitioners regarding initiation of Arbitration proceedings. However, the petitioners have not appeared before the Sole Arbitrator. Therefore, the Sole Arbitrator proceeded to pass an award in the



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the arbitration proceedings. Though the award was passed in the year 2017, the execution petition was filed only in the year 2018. However, the petitioners have not taken any effective steps to challenge the award passed by the Sole Arbitrator till 2022. The present Revision Petition is filed after a lapse of four years from the date of arbitral award and the same is not maintainable. It is further averred that no proper reason was given by the petitioner for such huge delay.

6.The learned counsel for the respondent would further submit that since the award passed by the Sole Arbitrator was not challenged in any manner and no restraint order is obtained as against the order passed by the Sole Arbitrator, the respondent filed execution petition and the same is pending before the Additional District Court, Dindigul.

7.By way of reply, the learned counsel for the petitioners submits that no proof was filed by the respondent to show that prior notice or the copy of the award was served on the petitioners.



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8.Considering the fact that as against the award passed by the Sole Arbitrator, an appeal remedy is available before the District Court under Section 34 of the Act, this Court without going into the merits and demerits of the award passed by the Sole Arbitrator, directs the petitioner to file an appeal before under Section 34 of the Act within a period of four weeks from the date of receipt of a copy of this order. The Lower Appellate Court is also directed to consider the application to be filed by the petitioners to condone delay petition and pass appropriate orders in accordance with law. It is made clear that the period spent before this Court is excluded for the purpose of reckoning the period of limitation. It is open to the petitioners to raise the issue of non-serving of summon and the copy of the award before the trial Court.

9.With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2025

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To

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



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M.DHANDAPANI,J.

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