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Arb Appeal No.29 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

**Arb Appeal No.29 of 2026
AND
CMP No.5640 of 2026**

ADRPLEXUS Medical Services Pvt Ltd
Rep. by its Authorised Signatory
No.431, 23rd Street, Ashtalakshmi Nagar
Alapakkam, Chennai-600 116

Appellant

Vs

Dr.Vivekandan K.S.
District Psychiatrist, DHMP Salem
Permanent resident of
H/118A, TNHB Kamraj Nagar
Oddapatti, Dharmapuri 636 705
Also at 603, Suresh Block
Chitra Complex
No.9, Choolaimedu High Road
Chennai 600 094

Respondent

Memorandum of Grounds of Appeal under Section 37(1) and (2) of the Arbitration and Conciliation Act, 1996 to set aside the interim order dated 03.12.2025 passed by the learned sole Arbitrator in I.A.No.5 of 2025 in Arb.No.1 of 2024.

For Appellant: Mrs.S.Manimegalai

For Respondent: Mr.R.N.Amarnath



JUDGMENT

(Judgment of the Court was made by P.Velmurugan J.)

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This appeal has been filed under Section 37(1) & (2) of the Arbitration and Conciliation Act, 1996 against the interim order dated 03.12.2025 passed by the learned sole Arbitrator in I.A.No.5 of 2025 in Arbitration Claim Petition No.1 of 2024.

2. The appellant is the claimant before the learned Arbitrator. The claim petition was filed seeking to direct the respondent to pay a sum of Rs.3,18,86,880/- as compensation/damages for the unilateral violation and breach of the agreement dated 23.08.2021 and other reliefs. Pending adjudication of the said claim, the appellant filed the instant interlocutory application in I.A.No.5 of 2025 to send the Ex.C21 iPad and its contents for expert opinion to analyse the particulars/details in the iPad exclusively used/utilised by the respondent, as stated therein, which came to be dismissed by the sole Arbitrator. Hence the appellant is before this Court.

3. The learned counsel for the appellant would submit that when the iPad was already received and marked as Ex.C21, the sole Arbitrator has erroneously dismissed the application seeking to send the iPad and its contents for expert opinion on the sole ground that the contents have not been exhibited and



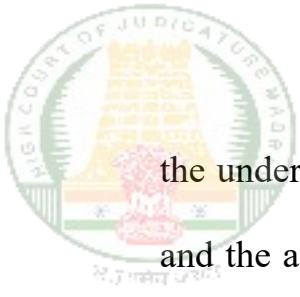
demonstrated before the sole Arbitrator. Therefore the learned counsel submitted that the impugned order is liable to be set aside.

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4. On the other hand, the learned counsel for the respondent would submit that the appellant cannot be allowed to convert the arbitral proceedings into a fact-finding forum, since the appellant failed to produce the said iPad while filing the claim petition or at the time of chief examination of the witness/CW1. Since the appellant seeks to fill the lacuna in the evidence let by them, the learned Arbitrator has rightly dismissed the application. The learned counsel submitted that the present appeal is not maintainable under Section 37 against the order refusing to refer the iPad for expert opinion at the instance of the appellant/claimant and the same is liable to be dismissed.

5. We have heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the appellant is the claimant before the sole Arbitrator and pending adjudication of the main claim, the appellant was given opportunity to lead evidence and accordingly, the witness/CW1 was examined in chief on their side. At that stage, the appellant filed the application to refer the iPad and its contents for expert opinion. The learned Arbitrator clearly observed that the appellant has not satisfied that the materials contained in the iPad are beyond



the understanding of an ordinary person and require some expertise in the field and the affidavit filed in support of the application also lacks the reasoning for such necessity. The appellant has also not pleaded as to how the study materials or software stored in the iPad were shared by the respondent to the rival coaching centre or that the possession of the iPad by the appellant is not accessible. During the adjudication proceedings, after completion of chief-examination of the appellant's witness/CW1, the appellant thought it fit to file the instant application as an after-thought, when the appellant did not choose to log in the iPad or called upon the respondent to furnish the login details earlier. In spite of sufficient opportunities granted to the appellant to exhibit the contents of the iPad, for the reasons best known to the appellant, the appellant has not utilised the same and therefore, the sole Arbitrator has rightly dismissed the application. Therefore, this Court does not find any error apparent on the face of the record or perversity in the order of the sole Arbitrator and that the present appeal itself is not maintainable under Section 37 of the Arbitration and Conciliation Act. Accordingly, the appeal stands dismissed. Consequently, the interim order stands vacated and the connected CMP is also dismissed. No costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
18-03-2026

SS



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**P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.**

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