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C.R.P.No.796 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.796 of 2025

A.Shadab

... Petitioner

Vs.

1. R.Shakira Begum

2. Muhammam Salman

3. Muhammed Suhakib

4. Mohammed Saood

... Respondents

Prayer:- Civil Revision Petition filed under Section 115 of CPC., to set aside the order dated 02.12.2024 passed in E.P.No.4 of 2024 on the file of the District Munsif, Sriperumbudur and set aside the same and number the EP.

For Petitioner : Mr.Sadhasharam
for Mr.Eghambharam

For Respondents : No appearance



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ORDER

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Heard the learned counsel for the petitioner. There is no representation on behalf of the respondents, despite the matter being listed under the caption “For Orders” today.

2.The learned counsel for the petitioner would submit that the Agreement of Sale dated 15.03.2014, which forms the cause of action for the proceedings before the learned Arbitrator, contains a specific arbitration clause under Clause 16 and that the parties had mutually agreed upon the appointment of the sole Arbitrator, viz., Mr.B.Ananthakrishnan. It is his further submission that the said sole Arbitrator alone had entered reference and passed the award and therefore, there is no question of any unilateral appointment so as to render the award inexecutable. He would further contend that the respondents were duly served with notice before the learned Arbitrator and, despite entering appearance, failed to contest the proceedings, which ultimately resulted in the passing of an ex parte award. Hence, according to the learned counsel, the Executing Court ought not to have dismissed the Execution Petition on the erroneous assumption that it was a case of unilateral appointment of an Arbitrator.

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3.I have carefully considered the submissions advanced by the learned counsel for the petitioner and perused the impugned order passed in E.P.No.4 of 2024 on the file of the District Munsif Court, Sriperumbudur, which is under challenge in the present Civil Revision Petition.

4.Though the Executing Court has relied upon the judgment of the Hon'ble Supreme Court in *Perkins Eastman Architects DPC & Another Vs. HSCC (India) Limited*, reported in *2019 SCC OnLine SC 1517*, and other decisions, wherein it has been held that unilateral appointment of an Arbitrator is invalid in the eye of law, this Court is of the view that the said decisions have no application to the facts of the present case.

5.Admittedly, the Agreement of Sale entered into between the petitioner and the respondents contains a written arbitration clause nominating Mr. B. Ananthakrishnan as the sole Arbitrator to enter reference and adjudicate upon the disputes arising between the parties. It is also not in dispute that the very same Arbitrator has passed the award. In such circumstances, this Court is at a loss to understand as to how the

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Executing Court could term the same as a case of unilateral appointment of an Arbitrator and consequently hold the award to be inexecutable. The impugned order of the Executing Court is therefore perverse on the face of the record and liable to be set aside.

6.In view of the above, the impugned order dated 02.12.2024 is set aside. The Executing Court is directed to proceed with E.P.No.4 of 2024 on merits and in accordance with law. Notice to the respondents is dispensed with. The Executing Court shall endeavour to dispose of the Execution Petition on or before 31.07.2026.

7.In the result, this Civil Revision Petition is allowed. No costs.

09.02.2026

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
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To

The District Munsif, Sriperumbudur.

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P.B.BALAJI, J.

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