



OSA (CAD) No.33 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

OSA (CAD) No.33 of 2026 and
C.M.P.No.5614 of 2026

K.Manoharan

... Appellant

Vs.

S.Elumalai

... Respondent

Prayer: This Original Side Appeal has been filed under Order XXXVI Rule 9 of Original Side Rules r/w Clause 15 of Letters Patent, to set aside the order dated 10.02.2026 passed in A.No.5629 of 2025 in Arb.O.P.DR.No.105740 of 2022 by this Court.

For Appellant : Mr.R.Lakshmi Narasimhan

JUDGMENT

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

This intra court appeal is filed against the order dated 10.02.2026 passed in A.No.5629 of 2025 in Ar.O.P.DR.No.105740 of 2022.



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2 Originally an award was passed in favour of the respondent on 25.05.2022 and it was served on both sides on 27.05.2022. The award was put to challenge by the appellant in the above Arbitration Original Petition, which was returned by pointing out certain defects. The appellant herein re-presented the same with a delay of 838 days and the learned Master while dealing with the application to condone the said delay, without ordering notice to the respondent, condoned the delay by imposing a cost of Rs.2,000/- to the Chief Justice Relief Fund.

3 Aggrieved by the same, the respondent herein, on whose favour the award was passed, filed an application in A.No.5629 of 2025 before this Court to set aside the order of the learned Master condoning the delay of 838 days by imposing a flee-bite condition of payment of cost of Rs.2,000/-. The learned Single Judge of this Court, after considering the facts in entirety, vide order dated 10.02.2026, directed the appellant herein to pay Rs.10.00 lakhs to the credit of the application on or before 03.03.2026, failing which, the order passed by the learned Magistrate will stand set-aside. The said order dated 10.02.2026 is put to challenge in the present Original Side Appeal.



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on record.

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4 Heard the learned counsel for the appellant and perused the materials on record.

5 It is seen that the learned Single Judge vide order dated 10.02.2026, directed the appellant herein to deposit a sum of Rs.10.00 lakhs, which is less than 50% of the award amount and 1/5th of the claim amount. Further the delay of 838 days occurred in re-presentation of the petition filed against Arbitration Award is inordinate. Under these circumstances, we are of the considered view that there is no perversity in the order passed by the learned Single Judge of this Court, warranting interference.

6 In the result, the Original Side Appeal stands dismissed. Consequently connected miscellaneous petition is closed. However, in order to give an opportunity to the appellant to prosecute the main Arbitration Original Petition, time is granted for 15 days from today to comply with the order of the learned Single Judge dated 10.02.2026.

[PVJ] [KGTJ]
11.03.2026

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Note: Issue order copy on 11.03.2026



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P.VELMURUGAN. J.
and
K.GOVINDARAJAN THILAKAVADI, J.

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