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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE GK.MUTHUKUMAAR

OSA(CAD) No. 116 of 2025
CNR:{HCMA012425142025}

1. M. Shankar
   S/o.Munisamy

2. S.Saritha,
   W/o.Shankar

3. S.Vasanth
   S/o.Shankar

..Petitioner(s)

Vs

Five Star Business Finance Limited,
A Company Registered under the Companies Act, 1956,
and having the registered office at
New No.23,Old No.4,Taylors Road,
Kilpauk,Chennai-600010.
Represented by its Authorised Signatory,
Mr.G.S.Robert,
Manager Legal.

..Respondent(s)

Original Side Appeal filed under Section XIII(1) of Commercial Courts Act to set aside the Judgement and Decree made in A.No.1329 of 2025 in A.No.245 of 2025 in Arb.OP Sr.No.102576 of 2022 dated 30.07.2025.

For Petitioner(s): Mr.T.Dharani

For Respondent(s): Ms.Janani
for Mr.M.Ajmal Azzath

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Judgment

(Judgment of the Court was delivered by N.Sathish Kumar J.)

A challenge has been made to the order of the learned single Judge dated 30.07.2025 dismissing the application filed to condone the delay in filing application under Section 34 of Arbitration and Conciliation Act, 1996.

2. Originally, the Master has dismissed the application on the ground that the delay has not been properly explained. On appeal, the learned single Judge, by an order dated 30.06.2025, allowed the application subject to the condition that the appellant pay 30% of the award directly to the respondent within three weeks from the date of receipt of the copy of the said order. This order included a default clause that a failure to pay the amount would result in the automatic dismissal of the application. However, since the appellant failed to pay 30% of the award amount within the stipulated time, the learned single Judge, by an order dated 30.07.2025, dismissed A.No. 1329 of 2025, which resulted in rejection of Arb.O.P.SR.No. 102576 of 2022. Challenging the same, the present appeal came to be filed.

3. When this appeal came up before this Court on 14.10.2026, we directed the appellants to pay 30% of the award amount to the respondent by way of a Demand Draft and accordingly adjourned the matter to today

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i.e.,28.10.2026.

4. Today, when the matter was taken up, the learned counsel for appellants placed before this Court a demand draft dated 22.10.2026 drawn on Indian Bank, Gudiyatham Branch in favour of the respondent viz., Five Star Business Finance Limited, for a sum of Rs.3,05,654/- [Rupees Three Lakhs Five Thousand Six Hundred and Fifty Four only] and the same has been handed over to the learned counsel for the respondent.

5. In view of the above compliance, the present Original Side Appeal is allowed and the order dated 30.07.2025 passed in Application No. 1329 of 2025 in Arb. O.P. (SR) No. 102576 of 2022 is hereby set aside. Consequently, Application No. 1329 of 2025 stands allowed, and Arb. O.P. (SR) No. 102576 of 2022 is restored to the file of this Court. There shall be no order as to costs.

(N.S.K.,J.) (G.K.M.,J.)
28-10-2026

gpa

Note to Office: Registry is directed to number the Arb.O.P (SR) No.102576 of 2022 and list the same for hearing.

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N.SATHISH KUMAR J.
AND
GK.MUTHUKUMAAR J.

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