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Arb Appeal Nos. 57 & 58 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb Appeal Nos. 57 & 58 of 2025

P. Paulraj

S/o. Peraiah, R.C. Prince Gardinia,

Flat No.D-1, Harmony Block,

97, Redhills Road, Kalpalayam,

Vinayagapuram, Chennai 99.

..Appellant(s) in both
Appeals

Vs

Smt.R. Veeralakshmi

W/o. S. Suresh Babu, Rep by the Power of

Attorney S. Suresh Babu, Vasanth Apartments,

FF4, 1st Floor, C Block, No.10, Maduraisamy

Madam Street, Chennai 600 011.

..Respondent(s)in both
Appeals



Arb Appeal No. 57 of 2025

Prayer: Arbitration Appeal filed under Section 13 of the Commercial Courts Act, praying to set aside the Order dated 04.09.2025 passed in IA No.1 of 2025 in ARC No.1 of 2025 by the learned Sole Arbitrator and pass such further or other orders as this Hon'ble Court.

Arb Appeal No. 58 of 2025

Prayer: Arbitration Appeal filed under Section 13 of the Commercial Courts Act, praying to set aside the Order dated 07.10.2025 passed in IA No.2 of 2025 in ARC No.1 of 2025 by the learned Sole Arbitrator and pass such further or other orders as this Hon'ble Court.

For Petitioner(s): Mr.G.Veerapathiran
(in both appeals)

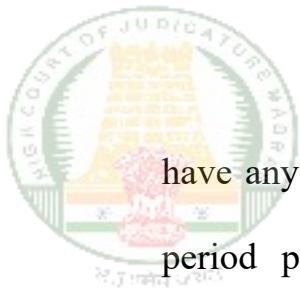
For Respondent(s): M/s. A. Parveen
(in both appeals)

COMMON JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

Both these appeals have been filed by the respondent in Arbitration Case No.1 of 2025, questioning the orders dated 04.09.2025 in I.A.No.1 of 2025 and I.A.No.2 of 2025 respectively, which Interlocutory Applications have been filed by the appellant herein.

2. The Interlocutory Application in I.A.No.1 of 2025 has been filed, seeking a declaration that the Power of Attorney holder of the claimant does not



have any right to file proof affidavit or to mark any documents relating to the period prior to the date of appointment as Power of Attorney and the Interlocutory Application in I.A.No.2 of 2025 had been filed to reject the claim petition filed by the Power of Attorney Agent on the basis of Power of Attorney dated 31.10.2023 relating to an agreement dated 20.02.2016.

3. It may not be proper on our part to travel into the merits of the case, but suffice to point out that in the agreement dated 20.02.2016, there was a clause permitting parties to refer disputes to arbitration and invoking that particular clause, the respondent had initiated Arbitration proceedings, leading to the appointment of an Arbitrator in Arbitration Case No.1 of 2025.

4. On entering reference, the learned Arbitrator had issued notice to the appellant, who filed I.A.No.1 of 2025 and I.A.No.2 of 2025, seeking aforementioned reliefs. The said applications stood dismissed by order dated 04.09.2025, necessitating filing of the present appeals.



5. Section 16 of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as ‘Act’] relates to the Competence of arbitral Tribunal to rule on its jurisdiction. Section 16(2) and Section 16(3) of the Act are as follows:

“Section 16: Competence of arbitral Tribunal to rule on its jurisdiction:

(1)

(a)

(b)

(2) *A plea that the arbitral Tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence; however, a party shall not be precluded from raising such a plea merely because that he has appointed, or participated in the appointment of, an arbitrator.*

(3) *A plea that the arbitral Tribunal is exceeding the scope of its authority shall be raised as soon as the matter alleged to be beyond the scope of its authority is raised during the arbitral proceedings.”*

6. It had been further specifically provided in Section 16(5) and Section 16(6) of the Act are as follows:

“Section 16: Competence of arbitral tribunal to rule on its jurisdiction:

(1)

(a)

(b)

(2)

(3)

(4)

(5) *The arbitral Tribunal shall decide on a plea referred to in*



sub-section (2) or sub-section (3) and, where the arbitral Tribunal takes a decision rejecting the plea, continue with the arbitral proceedings and make an arbitral award.

(6) A party aggrieved by such an arbitral award may make an application for setting aside such an arbitral award in accordance with section 34.”

7. Under Section 16(5) of the Act, the arbitral Tribunal had been given the authority to take a decision, rejecting the plea as sought in sub-sections (2) and (3) and to continue with the arbitral proceedings and proceed to make an arbitral award. Under sub-section (6), it had been provided that any party aggrieved by such arbitral award may make an application to set aside such an arbitral award in accordance with Section 34 of the Act.

8. We may also refer to Section (5) of the Act, which reads as follows:

“ Section 5: Extent of judicial intervention

"Notwithstanding anything contained in any other law for the time being in force, in matters governed by this Part, no judicial authority shall intervene except where so provided in this Part."



9. Section 5 of the Act provides that notwithstanding anything contained in any other law, no judicial authority, including this Court, shall intervene in the arbitral proceedings, except as provided under the Act. Sub-sections (5) and (6) to Section 16 of the Act specifically provide that the arbitral Tribunal can proceed to grant the award and to decide the issues and sub-section (6) also provides that any person aggrieved can take up all the issues in an application under Section 34 of the Act. Therefore, there cannot be any judicial intervention.

10. We would also refer to Section 126(1) of the Bharatiya Sakshya Adhiniyam, 2023 (BSA), which reads as follows:

“Section 126: Competency of husband and wife as witnesses in certain cases -

(1) In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit, shall be competent witnesses.”



11. The Power of Attorney holder could be cross-examined on all issues raised by the appellant herein. The Claim Petition certainly not be rejected on this ground. We find no merits in the appeals and both the appeals stand dismissed. No costs.

(C.V.K.,J.) (K.B.,J.)
17-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

Smt.R. Veeralakshmi

W/o. S. Suresh Babu,

Rep by the Power of Attorney

S. Suresh Babu,

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**C.V.KARTHIKEYAN J.
AND
K.KUMARESH BABU J.**

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