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Application No.6350 of 2025
in Arb.O.P(Com.Div.)DR.No.25628 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Application No.6350 of 2025
in Arb.O.P(Com.Div.)DR.No.25628 of 2021

Mr.Alok Kumar Gulechha,
No.102, L.B.Road,
Adyar, Chennai – 600 020

.... Applicant

Vs.

1. Mr.S.Khadar Sultan,
S/o.Late Shaik Mohamed

2. Mrs.Ummu Habiba,
W/o.S.Khadar Sultan

3. Mrs.Nasreen Banu,
W/o.Mohamed Rafeek

4. Vijay Raja Homes Private Limited,
represented by its Chairman and Managing Director,
Mr.M.R.Chendilnathan,
Registered office at No.3/58, “Vijay Raja Illam”,
Kumaran Kudil Main Road, Thoraipakkam,
Chennai – 600 097.

.... Respondents

Application filed under Order XIV Rule 8 of Madras High Court Original Side Rules read with Section 10(2) of Commercial Courts Act and Limitation Act, 1996, to condone the delay of 1249 days in representing the O.P. D.No.25628 of 2021.

For Applicant : Mr.N.Jayakumar



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ORDER

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This application has been filed to condone the delay of 1249 days in representing the O.P.D.No.25628 of 2021, which was filed for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 [for brevity, 'the Act'].

2. Heard Mr.N.Jayakumar, learned counsel for the applicant and carefully perused the materials available on record.

3. The only reason assigned by the applicant in the affidavit filed in support of this application is that both the name of the counsel as well as the name of the party were wrongly entered in the Register maintained by the Registry, and therefore, the counsel was unable to trace out the papers and ultimately, it was able to be traced only on 14.10.2025, when the matter was listed in the default list before this Court.

4. The reason assigned in the affidavit filed in support of this application is far from satisfactory. Admittedly, the petition was filed under Section 11 of the Act and is quite unbelievable that both the party as well as the counsel did not follow up the petition till 2025. In



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arbitration matters, the delay cannot be condoned mechanically since it goes against the very object of the enactment.

5. In the case in hand, there is a delay of 1249 days in representation and this delay is certainly fatal and this Court is not inclined to condone the same.

In the result, this application stands dismissed.

19.01.2026

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N.ANAND VENKATESH, J.

mp

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