



WEB COPY

A No. 331 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

**A Nos. 330 and 331 of 2026
in ARB O.P DR No. 174943 and 189848 of 2025**

V.Guber
S/o.Varadaraju,
No.96, Pillaiyar Koil Street, Perumukal Village
85 Post,Marakkanam (TK),
Villupuram District-604 301

..Applicant in both
Applications

Vs

Indo Asia Finance Limited
Rep by its Marketing Executive,
Mr.R.Ravi Naryanan,
Having its registered office at
No.15, New Giri Road,
T.Nagar, Chennai - 600 017.

..Respondent(s) in both
Applications

A No. 330 of 2026 in Arb.O.P.DR.No.174943 of 2025

PRAYER: This application is filed under Order XIV Rule 10 of the Original Side Rules read with Order VIII Rule (1) and Section 151 of C.P.C. to condone the delay of 93 days in representing the petition No.ATN20220020185C202500017.

**A No. 331 of 2026 in Arb.O.P.DR.No.189848 of 2025**

PRAYER: This application is filed under Order XIV Rule 10 of the Original Side Rules read with Order VIII Rule (1) and Section 151 of C.P.C. to condone the delay of 127 days in representing the petition No.ATN20220021674C202500006.

For Applicant(s): Mr. T.Nixon

For Respondent(s): Ms. S.Arun Mathew

COMMON ORDER

When the matter came up for hearing on 10.02.2026, this Court passed the following order:-

“This application has been filed to condone the delay of 127 days in representing the petition.

2.Under normal circumstances, this Court would have considered this application leniently. But, however, when the application was taken up for hearing, the learned counsel for respondent brought to the notice of this Court certain facts which made this Court to go deeper into the records in order to find out as to whether the main petition was filed on time.

3.On considering the materials, it is seen that the award was passed on 12.09.2022 and the petitioner herein was the third respondent in that award. The other two respondents are none other than the brother of the petitioner. The respondent herein who is the award holder, instituted execution proceedings before the I Additional District Judge, Villupuram in E.P.Nos.352 and 356 of 2024. In those petitions, the petitioner herein was arrayed as a Judgment Debtor-III. The notices were ordered in those



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Execution Petitions and the petitioner herein entered appearance on 25.10.2024 and is contesting the E.Ps. The petition under Section 34 of the Act was filed by the petitioner only on 03.06.2025. In the main petition, the petitioner has taken a stand that the award was not received by the petitioner and that the petitioner came to know of the award only on 30.04.2025. While his brother informed about the same during the pendency of E.Ps.

4.The learned counsel for respondent submitted that even if the date of knowledge of the passing of the award is taken to be 25.10.2024, the limitation period of 90 days came to an end on 24.01.2025 and whereas the present petition has been filed only on 03.06.2025 which is much beyond the condonable period, which is prescribed under Section 34(3) of the Act.

5.The issue that has been raised by the learned counsel for the respondent goes to the root of the matter. If the main petition itself has been filed much beyond the condonable period prescribed under Section 34(3) of the Act, this Court will not have the jurisdiction to entertain the petition and in such an event, the present application will have to be rejected on that ground alone.

6.When this court expressed its mind, the learned counsel submitted that his Senior will argue the case and hence, sought for time.

7.Post this application under the caption “for orders” on 12.02.2026.”

2. When the matter came up for hearing today, the learned counsel for the applicant submitted that there was a dispute amongst the brothers and that, even without knowledge of the applicant, some advocate was engaged and the applicant did not know about the pending execution proceedings. Even in the



applications that have been filed before this Court, the applicant has taken a stand that he came to know about the Award only on 30.04.2025.

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3. The above explanation given by the learned counsel for the applicant is far from satisfactory. If there is a dispute amongst the brothers in engaging counsel, that is not a ground, which can be put against the respondents. It is a matter to be resolved amongst the brothers. It is an admitted case that vakalat was filed for all the three brothers in the execution petition on 25.10.2024. Therefore, it has to be necessarily construed that the applicant had the knowledge regarding the Award on 25.10.2024. In such an event, limitation came to an end on 24.01.2025 and the condonable period also came to an end on 23.02.2025. The present petitions have been filed only on 03.06.2026, which is beyond the condonable period prescribed under Section 34(3) of the Act.

4. Adding insult to the injury, Application No.330 of 2026 has been filed to condone the delay of 93 days in representing the petition No.ATN20220020185C202500017 and Application No.331 of 2026 has been filed to condone the delay of 127 days in representing the petition No.ATN20220021674C202500006. Therefore, the delay continues to be a



common thread right through, for which the applicant has to necessarily pay the price.

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5. In the light of the above discussions, these applications are dismissed. Consequently, connected Arb.O.P.DR.Nos.1749843 and 189848 of 2025 are rejected at the SR stage itself. No costs.

12-02-2026

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To

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N.ANAND VENKATESH J.

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in ARB O.P DR No. 174943 and 189848 of 2025**

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