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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

C.R.P(MD)Nos.674 & 785 of 2026

C.R.P(MD)No.674 of 2026:

D.Raghavan

... Petitioner

Vs.

M.Samsad

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to expedite the hearing in E.P.No.16 of 2023 in Arb.No(MD)No.03 of 2022 on the file of the Arbitral Tribunal, Madurai, within the time frame as fixed by this Court.

For Petitioner :Mr.D.S.Haroon Rasheed

C.R.P(MD)No.785 of 2026:

M.Samsad

... Petitioner

Vs.

D.Raghavan

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal District Judge, Sivagangai to dispose of the Arbitration Original Petition in Arbitration O.P.No.62 of 2024 in a speedy manner within the time stipulated by this Court.

For Petitioner : Mr.R.Balakrishnan



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COMMON ORDER

Both the revisions were taken up for hearing together for disposal.

2. One revision seeks for expeditious disposal of E.P.No.16 of 2023 and the other seeks expeditious disposal of Arbitration O.P.N.62 of 2024. Both the proceedings rely upon the Arbitral award passed by the Tribunal in Arbitration (MD)No.03 of 2022 on 05.01.2023. The claimant is the revision petitioner in C.R.P(MD)No.674 of 2026 and the respondent is the revision petitioner in C.R.P(MD)No.785 of 2026.

3. It is the plea of Mr. Balakrishnan that the Section 34 petition though presented as early as on July of 2023, the same has been kept pending and the petitioner in C.R.P(MD)No.674 of 2026 is attempting to proceed further with the execution thereof. It is his plea that in terms of second proviso to Section 36 of the Arbitration and Conciliation Act, he is entitled for an order of stay. Yet he urges, unfortunately, the learned Principal District Judge, Sivagangai, has not granted stay.

4. A careful perusal of the second proviso to Section 36 indicates that the same principle which applies for grant of stay of any decree under the



Code of Civil Procedure applies for grant of stay under Section 36(2) of the Arbitration and Conciliation Act. The only ground on which unconditional stay can be granted is, if the arbitration agreement or the contract or the award, has been induced or affected by fraud or corruption. The plea of lack of arbitration agreement is not one such ground falling under the proviso.

5. As the petitioner in CRP(MD)No. 785 of 2026 desires for stay of execution, there shall be a direction to him to deposit 50% of the award amount together with cost to the credit of the learned Principal District Judge, Sivagangai, within a period of four weeks from today.

6. Needless to add, in case the deposit is not made, further directions will be given to the executing Court to proceed further with the proceedings.

7. Post both the revisions on 17.04.2026.

18.03.2026

PJL

Note: Issue order copy on 23.03.2026.



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V.LAKSHMINARAYANAN, J.

PJL

To

- 1.The Principal District Judge, Sivagangai.
- 2.The Arbitral Tribunal, Madurai.

C.R.P(MD)Nos.674 & 785 of 2026

18.03.2026