



C.R.P.(MD).No.142 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.02.2026

Pronounced on : 27.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD).No.142 of 2023

and

C.M.P(MD).No.683 of 2023

A.Sereena Abdul Rahiman

... Petitioner / 1st Respondent

Vs.

1.M/s.Shriram Transport Finance Company Ltd.,

Rep by its Authorized Representative

S.Surrendran

Having office at K.R.Colony,

Tenkasi.

... 1st Respondent / Claimant

2.M.Muthu Raja

... 2nd Respondent/ 2nd Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition by setting aside the arbitration award passed in Arbitration Case No.71 of 2020 dated 17.04.2021 on the file of the Arbitral Tribunal (Sole Arbitrator), Tirunelveli.

For Petitioner : Mr.H.Arumugam

For R1 : Mr.Ananth C.Rajesh

For R2 : Dispensed with



C.R.P.(MD).No.142 of 2023

WEB COPY

ORDER

The present Civil Revision Petition has been filed challenging the arbitral award passed in Arbitration Case No.71 of 2020 dated 17.04.2021 on the file of the Arbitral Tribunal (Sole Arbitrator), Tirunelveli.

2. The learned counsel appearing for the revision petitioner submitted that the arbitration proceedings were initiated in Arbitration Case No.71 of 2020 in respect of a hypothecation agreement for the purchase of a commercial vehicle, namely Mercedes Benz bearing Registration No.KL-07-CD-5000. The proceedings were stated to have been initiated on 21.03.2020 and summons were issued fixing the hearing on 13.06.2020. Thereafter, the revision petitioner was set ex-parte and ex-parte evidence was recorded, culminating in the award dated 17.04.2021. Subsequently, the first respondent initiated execution proceedings in E.P.No.33 of 2021. Even in the execution proceedings, the revision petitioner was set ex-parte and substituted service was effected.

3. The learned counsel for the revision petitioner elaborately pointed out that the arbitration proceedings were initiated during the COVID-19



C.R.P.(MD).No.142 of 2023

pandemic period. It was submitted that on 23.03.2020, a nationwide lockdown was announced and movement of civilians was severely restricted. The Government of Tamil Nadu imposed complete lockdown from 25.03.2020. The Hon'ble Supreme Court, in Suo Motu W.P.(C) No.3 of 2020, passed orders extending limitation and taking note of the extraordinary situation prevailing in the country.

4. It was further contended that the appointment of the Sole Arbitrator, issuance of summons, and setting the revision petitioner ex-parte had all taken place during the lockdown period when inter-district movement was curtailed. The revision petitioner, who was residing at Vallam in Tenkasi District, could not have effectively received the summons or participated in the proceedings. It was further contended that there was no material placed to show the communication appointing the Sole Arbitrator or proper service of notice. Even after passing of the award, there was no material to establish that a copy of the award was duly communicated to the revision petitioner.

5. The learned counsel relied upon the judgment of the Hon'ble Supreme Court in *Shalini Shyam Shetty v. Rajendra Shankar Patil*, reported



C.R.P.(MD).No.142 of 2023

in (2010) 8 SCC 329, particularly paragraphs 49(e), (g) and (i), which read as follows:

(e) According to the ratio in Waryam Singh (supra), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and Courts subordinate to it, 'within the bounds of their authority'.

(g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of tribunals and Courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.

(i) High Court's power of superintendence under Article 227 cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in the case of L. Chandra Kumar vs. Union of India & others, reported in (1997) 3 SCC 261 and therefore abridgement by a Constitutional amendment is also very doubtful.

Placing reliance on the above principles, the learned counsel contended that this Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, is empowered to interfere in cases where there is patent



C.R.P.(MD).No.142 of 2023

perversity, gross procedural irregularity, or violation of the principles of natural justice.

6. The learned counsel also relied upon the Constitution Bench judgment of the Hon'ble Supreme Court in ***L.Chandra Kumar v. Union of India***, reported in (1997) 3 SCC 261, wherein it was held that the supervisory jurisdiction of the High Court under Article 227 of the Constitution of India cannot be curtailed or excluded by any statute. He further pointed out that clauses (k) and (l) of the said judgment reiterate that the power of judicial review vested in the High Courts forms part of the basic structure of the Constitution and, therefore, cannot be abrogated or diluted even by legislative enactment.

7. He also relied upon the judgment of the Hon'ble Supreme Court in ***M/s.Anvita Auto Tech Works Pvt. Ltd. v. M/s. Aroush Motors***, reported in 2025 SAR Online (SC) 1196, particularly paragraph No.28, wherein the Apex Court took note of the disruption caused by the COVID-19 pandemic and the consequential extension of limitation. In the said judgment, the Hon'ble Supreme Court referred to its earlier orders passed in ***In Re: Cognizance for***



C.R.P.(MD).No.142 of 2023

WEB COPY

Extension of Limitation in *Suo Motu Writ Petition (C) No.3 of 2020*, wherein, in exercise of powers under Article 142 of the Constitution of India, it was directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purpose of computing limitation under any general or special laws in respect of all judicial or quasi-judicial proceedings. Placing reliance on the above dictum, the learned counsel contended that since the arbitration proceedings in the present case were initiated during the lockdown period and the relevant stages fell within the excluded period, the proceedings culminating in the ex-parte award suffer from serious procedural infirmities and are liable to be interfered with. Paragraph No.28 of the above said judgment is extracted hereunder:

“28. The meticulous scrutiny of the chronological chart as mentioned supra shows that the limitation period for filing the WS commenced on 17.07.2021 and ended on 14.11.2021. Both these dates fell at a time when our nation was in garb of global pandemic of COVID-19 which affected the lives of millions of people around the world as well our judicial systems. This court was conscious of the fact as to the difficulty faced by the litigants in approaching the courts physically and was of the view that the said pandemic should not become the reason to vandalise the rights of the litigants due to expiry of period of



C.R.P.(MD).No.142 of 2023

limitation who could have approached the court well within the time had it not been for the pandemic. Hence this court **In Re: Cognizance for Extension of Limitation** (2022) 3 SCC 117 in *Suo Moto Writ Petition (C) No. 3 of 2020* by exercise of its powers under [Article 142](#) of the Constitution of India passed series of orders to exclude the period commencing from 15.03.2020 till 28.02.2022 for the purpose of computing the limitation period under any general or special laws in respect of all judicial or quasi-judicial proceedings. For the purpose of reference, the relevant portion of the order is extracted below:

“

I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasijudicial proceedings.

II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.

III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

.....”



C.R.P.(MD).No.142 of 2023

WEB COPY

8. *Per contra*, the learned counsel appearing for the first respondent submitted that summons were duly issued and acknowledged, and the same was marked as Document No.4 in the arbitral proceedings. It was contended that despite proper service of summons, the revision petitioner failed to participate in the proceedings and was, therefore, rightly set ex-parte. It was further submitted that the appropriate remedy available to the revision petitioner is to file an application under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the arbitral award, and hence, the present Civil Revision Petition is not maintainable.

9. This Court called for the records and perused the procedure adopted by the Arbitral Tribunal. Document No.40 is stated to be an acknowledgment card. However, the nature of the acknowledgment and proof of service appear doubtful. There is no clear material placed before this Court to show the mode and date of appointment of the Sole Arbitrator, the communication appointing him, or the manner in which notices were served during the strict lockdown period.



C.R.P.(MD).No.142 of 2023

WEB COPY

10. It is evident that the entire arbitration proceedings, including initiation, issuance of summons, setting the revision petitioner ex-parte, and passing of the award, took place during the pandemic period when normal movement of citizens was severely restricted. There is also no satisfactory material to show that a copy of the award was duly communicated to the revision petitioner as required under law.

11. In the peculiar facts and circumstances of the case, this Court is of the considered view that the arbitration proceedings were conducted in a hurried manner during the lockdown period without ensuring effective service of notice and without affording a fair opportunity to the revision petitioner. The manner in which the ex-parte award came to be passed and subsequently put into execution raises serious doubts regarding adherence to the principles of natural justice.

12. In view of the above and in exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, this Court is inclined to interfere with the award. Accordingly, the arbitral award dated 17.04.2021 passed in Arbitration Case No.71 of 2020 by the learned Sole



C.R.P.(MD).No.142 of 2023

Arbitrator, Tirunelveli, stands quashed.

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13. In fine, this Civil Revision Petition stands allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2026
[N.S.J.]

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

The Arbitral Tribunal (Sole Arbitrator),
Tirunelveli.



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C.R.P.(MD).No.142 of 2023

N.SENTHILKUMAR,J.

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Pre-delivery order made in
C.R.P.(MD).No.142 of 2023

27.02.2026