
(1894) 04 MAD CK 0009
In the Madras High Court

Muthukutti Nayakan

APPELLANT

Vs

Acha Nayakan and Others

RESPONDENT

Date of Decision : 10-04-1894

Acts Referred:

Citation : (1895) ILR (Mad) 22

Hon'ble Judges : Muttusami Ayyar, J; Best, J

Bench : Division Bench

Judgement

1. It is argued that no time having been fixed for the making of the award, the award is invalid. We cannot accede to this contention. Section 508 is

directory merely and not mandatory, as observed in Har Narain Singh v. Bhagivant Kuar ILR 10 All. 137 and the mere omission to fix a time is

not fatal. In the case before us the award was not made till about a year after the submission to arbitration, but there is no allegation that either

party attempted to recede from the submission; and, having regard to the fact that rights to Immovable property were in question, it is not

unreasonable to hold that the parties did not consider there was any undue delay. Under these circumstances, we must disallow the objection that

the award is invalid under the final clause of Section 521.

2. Another objection is that the award was not signed by the arbitrators in each other's presence. We consider it sufficient, if they all agreed to it

as provided in Section 516. There is no provision of law requiring them to sign in the presence of each other--Bhabasundari Dasi v. Makhunlal

Dey 8 B.L.R. 128

3. It is next urged that some of the arbitrators were absent from a certain meeting. There is no specific allegation or issue as to this, nor is there

evidence as to what was the object of that meeting. The evidence of one witness, who speaks to such absence, is contradicted by other witnesses

examined in the case, and we are unable to give any weight to the objection.

4. The appeal fails and is dismissed with costs, and so also is the petition u/s 622.