
(1959) 03 MP CK 0012

In the Madhya Pradesh High Court

Case No : Civil Revision No. 45 of 1957

Nathuram Girwarchand and Another

APPELLANT

Vs

Baijnath Mangakhanlal

RESPONDENT

Date of Decision : 26-03-1959

Acts Referred:

Limitation Act, 1908 — Article 178

Citation : AIR 1959 MP 422 : (1959) 4 MPLJ 861

Hon'ble Judges : Shiv Dayal Shrivastava, J

Bench : Single Bench

Advocate : Ram Krishna Dixit, for the Appellant; Kishanlal Batham, for the Respondent

Final Decision : Dismissed

Judgement

Shiv Dayal Shrivastava, J.

In this revision the question is whether the award filed by the arbitrators was barred by time and, therefore, could not be acted upon by the Civil Court before which it was filed. Certain dispute between the parties in this revision was referred to arbitration on 7-1-1955. The arbitrators filed their award in the court of Civil judge Second Class, Bhind on 8-10-1955. Inter alia the objection of the petitioners Nathuram and Shrilal was that the filing of the award was barred by time and therefore it should be set aside. The objection was overruled by the trial Judge.

In this revision Shri Ramkrishan Dixit learned counsel for the petitioners relies on Article 178 of the Limitation Act. In my opinion that Article does not apply where an award is filed by an arbitrator himself. When an arbitrator makes an application he does not seek any relief against any party. The articles in the schedule of the Limitation Act apply to applications which are made by the parties seeking relief from the Court against some other parties. In fact the Arbitration Act of 1940 does not require any "application" to be filed by an

arbitrator. In Sheodutt v. Vishnudutta ILR 1955 Nag 224 : ((S) AIR 1955 Nag 116) it is held that Article 178 has no application to an arbitrator filing the award. See also the case of Lachhmi Prasad Vs. Gobardhan Das and Others,

This revision has no substance and it is, therefore, dismissed with costs.