

(2022) 01 KL CK 0165

In the High Court Of Kerala

Case No : Original Petition (C) No. 135 Of 2022

Suhaina A.P

APPELLANT

Vs

M/s Cholamandalam Investment And Finance Co.Ltd

RESPONDENT

Date of Decision : 21-01-2022

Acts Referred:

Constitution of India, 1950 — Article 227
Arbitration and Conciliation Act, 1996 — Section 17(2)

Citation : (2022) 01 KL CK 0165

Hon'ble Judges : A. Badharudeen, J

Bench : Single Bench

Advocate : K.Rakesh

Final Decision : Dismissed

Judgement

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A.Badharudeen, J.

1. Order in I.A.No.2 of 2021 in O.P.(Arbitration)No.371 of 2021 on the file of the District Court, Manjeri whereby, the District Judge appointed

Advocate Commissioner to take possession of the vehicle hypothecated to the petitioner, while executing an interim award passed by the Arbitrator, is

under challenge in this petition filed under Article 227 of the Constitution of India.

2. It is submitted by the learned counsel for the petitioner that by executing the commission order, vehicle was taken possession by the commissioner

that would go to show that the interim award passed under Section 17(2) of the Arbitration and Conciliation Act, 1996 was executed.

3. It is submitted by the learned counsel for the petitioner that no challenge raised as regards to the interim award since the Arbitrator is at Chennai.

Since the interim award of attachment is not under challenge, this Court cannot interfere with the matter and remedy of the petitioner is to challenge

the interim award before the appropriate forum as per law.

4. It is submitted by the learned counsel for the petitioner that the petitioner is ready to pay the due and get back the vehicle. This matter can be

negotiated in between the petitioner and the respondents. As such, nothing available in this petition to be adjudicated by exercising power of

superintendence.

Accordingly, this original petition is dismissed.