

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP Nos.4649 & 4436 of 2026

CRP.No.4649 of 2026:

M/s.Sundaram Finance Limited,
Represented by A.Dharmaraj,
Now Mr.Shrivats Natarajan,
Deputy Manager Legal,
21, Patullos Road, Chennai – 600 002.

..Petitioners

Vs

1.A.Arun Kumar
2.Ayyasamy

..Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the decretal order dated 30.01.2026 in E.P.No.326 of 2026 in Arbitration Case No.CP.No.KER/SF/419/2019 passed by the II Additional Subordinate Judge, Coimbatore.

CRP.No.4436 of 2026:

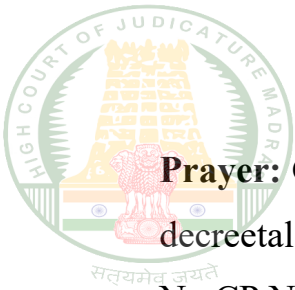
M/s.Sundaram Finance Limited,
Represented by its Assistant Manager,
21, Patullos Road, Chennai – 600 002.

.. Petitioners

Vs.

1.S.Maheswari
2.N.Selvakumar

.. Respondents



Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the decretal order dated 21.04.2026 in E.P.No.53 of 2025 in Arbitration Case No.CP.No.KB/SF/212/2017 passed by the Commercial Court (Senior Civil Judge Cadre), Coimbatore.

For Petitioner: Mr.M.Arunachalam in both CRPs

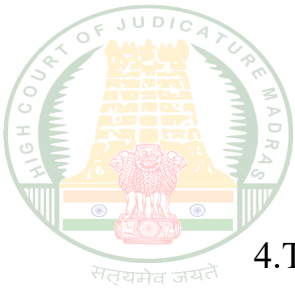
For Respondents: No appearance

COMMON ORDER

The award holder is the revision petitioner.

2.I have heard Mr.M.Arunachalam, learned counsel for the revision petitioner in both the revision petitions.

3.The execution petitions filed by the revision petitioner have been suo motu dismissed by the Executing Court, holding that the very appointment of the Arbitrator was unilateral in nature. Admittedly, in the present cases, the award sufferers have neither challenged the awards in a manner known to law, by filing a Section 34 application under the Arbitration and Conciliation Act, 1996, nor even come forward to contest the execution petitions as well. In the absence of any such challenge on the side of the award sufferers, the Executing Court cannot suo motu exercise a right to dismiss the execution petitions, on finding that the appointment of the Arbitrator was unilateral.

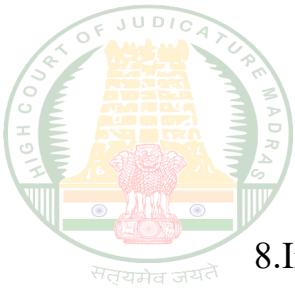


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4.This Court, in *CRP.No.5197 of 2024* dated *27.01.2025*, in the matter of *Sundaram Finance Limited Vs S.M.Thangaraj*, in similar circumstances, held that the Executing Court cannot exercise suo motu power to dismiss the execution petition and that the decree holder is entitled to execute the arbitral award.

5.In fact, as rightly contended and brought to my notice by the learned counsel for the petitioner, despite specific directions in the earlier revision petition by this Court in *CRP.No.5197 of 2024*, one of these two revision petitions have been dismissed by the very same Court. The learned Presiding Judge was directed to dispose of the execution petitions on merits and especially when it was specifically directed by this Court that the Executing Court should not exercise suo motu power and dismiss the execution petition, still the Executing Court has exercised suo motu power and proceeded to dismiss the execution petition.

6.In the present case, the respondents have not chosen to even come forward to contest the execution proceedings and in the absence of any challenge for the executability of the Award, the Executing Court ought not to have exercised suo motu power and proceeded to dismiss the execution petitions.



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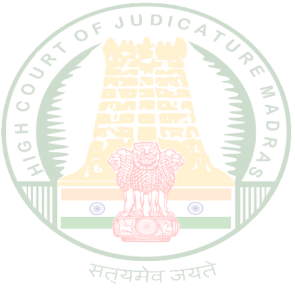
8. In fine, these Civil Revision Petitions are allowed and the order dated 30.01.2026 in E.P.No.326 of 2026 in Arbitration Case No.CP.No.KER/SF/419/2019 on the file of the II Additional Subordinate Judge, Coimbatore and the order dated 21.04.2026 in E.P.No.53 of 2025 in Arbitration Case No.CP.No.KB/SF/212/2017 on the file of the Commercial Court (Senior Civil Judge Cadre), Coimbatore, are set aside, The Executing Court is bound to execute the awards as it stands. The Registry shall circulate this order to all Courts which handle execution of awards, so that there is no such improper execution by the Executing Court in exercising suo motu power to dismiss the execution petition, on the ground of unilateral appointment of Arbitrator. No costs.

31.08.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ATA

To

1. The II Additional Subordinate Judge, Coimbatore.
2. The Commercial Court (Senior Civil Judge Cadre), Coimbatore.



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P.B.BALAJI, J.

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