

M/S.Spectrum Softtech vs T & T Engineering

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SooperKanoon Citation : sooperkanoon.com/1360892

Court : Kerala

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : OP(C)/1899/2017

Appellant : M/S.Spectrum Softtech

Respondent : T & T Engineering

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945
AGAINST THE ORDER DATED 27-05-2017 IN R.P.NO.5/2014 IN
O.P.(ARB) PETITIONER: M/S.SPECTRUM SOFTTECH SOLUTIONS
(P) LTD., MAHAKAVI G. ROAD, COCHIN- 682 011. REPRESENTED BY
ITS CHIEF EXECUTIVE OFFICER. SRI.JOY THATTIL ITTOOP
SRI.BIJISH B.TOM SMT.BABY SONIA SRI.GENS GEORGE
ELAVINAMANNIL SRI.JACOB TOMLIN VARGHESE SMT.NEVIS
CASSANDRA L CAXTON LORETTA

RESPONDENTS: 1 T & T ENGINEERING, REPRESENTED BY ITS
MANAGING PARTNER, TOGI MATHEW, THALIYATH CHAMBERS,

IYYATIL JUNCTION,ERNAKULAM - 682 011. *2 M/S. KUMAR GROUP TOTAL DESIGNERS, * M/S. KUMAR GROUP TOTAL DESIGNERS, 30/1156, THEKKADATH, KANIYAMPUZHA ROAD, VYTILLA HUB, VYTILLA, KOCHI - 682019) IT IS RECORDED THAT THE ABOVE MENTIONED ADDRESS IS THE FRESH ADDRESS OF R2 VIDE ORDER DATED 22/08/2017 IN I.A.NO. 1445/2017) *R2 IS DELETED FROM PARTY ARRAY VIDE ORDER DATED 01.11.2017 IN I.A.NO. 1873/2017) SRI.LEO GEORGE SRI.RAHUL VARGHESE SRI.K.L.VARGHESE (SR.) THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

An application under Section 34 of the Arbitration and Conciliation Act, 1996, was allowed by the District Court on its merits, against which, the first respondent filed a review petition instead of filing an appeal under Section 37 of the said Act. It is against that order, the first respondent came up under Article 227 of the Constitution. The remedy lies somewhere else. In fact, it is an unnecessary petition and liable to be dismissed. I do so. The original petition is dismissed. Sd/- P.SOMARAJAN JUDGE msp APPENDIX OF OP(C) 1899/2017 PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE ORDER 18.12.2013 IN O.P.
NO. 29/2014 IN O.P.(ARB)NO. 1087/2010 ON THE FILE

EXHIBIT P4 TRUE COPY OF THE ORDER DATED 28.06.2014
IN O.P.(ARB)NO. 1087/2010 ON THE FILE OF THE IIND EXHIBIT P7 TRUE
COPY OF THE COUNTER AFFIDAVIT IN I.A.NO. JUDGE, ERNAKULAM.
EXHIBIT P8 TRUE COPY OF THE RECEIPT DATED 25.06.2016, ISSUED BY
THE HEAD CLERK, THE IIND ADDL.DISTRICT JUDGE, EXHIBIT P9 TRUE
COPY OF THE LETTER DATED 27.06.2016 ISSUED BY THE PETITIONER'S
COUNSEL TO THE 1ST RESPONDENT AND ITS COUNSEL.

EXHIBIT P10

TRUE COPY OF THE POST RECEIPT DATED 28.0

1ST RESPONDENT TO R.P. NO. 5/2014 IN O.P. EXHIBIT P13 TRUE COPY OF
THE ORDER DATED 27.05.2017, IN R.P. NO. 5/2014 IN
O.P.(ARB)NO.1087/2010 ON THE FILE

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