

Dhooli Atchayya and anr. Vs. Dhooli Peddenti and ors.

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SooperKanoon Citation : sooperkanoon.com/796958

Court : Chennai

Decided On : Apr-03-1928

Reported in : AIR1928Mad983

Appellant : Dhooli Atchayya and anr.

Respondent : Dhooli Peddenti and ors.

Judgement :

Ramesam, J.

1. In this case the parties referred the disputes through Court to five arbitrators, it being agreed that the opinion of the majority should prevail. Two of the arbitrators did not act. In such a case the award is null and void if some do not act. This has been so well established that it is unnecessary for me to give the reasons of the rule. In each of the cases in Thammiraju v. Bapiraju [1889] 12 Mad. 113 Abdulla v. M.V.B.S. Firm and Sons A.I.R. 1924 Rangoon 153; M. Appayya v. Y. Venkataswami [1918] 8 M.L.W. 171; and Sanjeevappa v. Venkatanarappa A.I.R. 1927 Mad. 436 such an award was set aside by the High Court in revision. The case in Dalling v. Matchett 94 E.R. 804 does not help the respondent. The order of the Court below is set aside and the suit will be restored to file and disposed of according to law. The petitioners will have costs of this petition and of the costs of the hearing of the application in the lower Court to pass a decree in terms of the award. Other costs of the lower Court will abide the result of the suit.

