

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THRISSUR

Present:

Sri. Sasi Kumar P.S. Principal District Judge.

Tuesday, 16th day of June, 2026/26th Jaishatam, 1948 S.E.

IA.01/2026 in OP(Arbitration):132/2026

Petitioner:-

National Highways Authority of India, PIU (NHAI),
Neithalai Road, Kakkanad, Ernakulam-682030
rep.by its Project Director on behalf of Union of India.

By Adv. Sri. T.P. Saju

Respondents:-

- 1 Ashokan K.K., Kalarikkal House,
Kaipamangalam, Thrissur.(Died)
- 2 Radhamani, W/o Ashokan K.K.(Late),
Kalarikkal House, Kaipamangalam, Thrissur.
- 3 Sudeesh K.A., S/o Ashokan K.K.(Late),
Kalarikkal House, Kaipamangalam, Thrissur.
- 4 Ashaletha K.A., D/o Ashokan K.K.(Late),
Kalarikkal House, Kaipamangalam, Thrissur.
- 5 The Special Deputy Collector, SLAO & CALA,
NHDP, Kodungallur, Thrissur District.

This petition filed under Section 36(3) of Arbitration and Conciliation Act, 1996 to stay the execution of the award having No.235/2025 dated 10.07.2025 passed by the Arbitrator till the disposal of the petition.

This petition is coming on this day for hearing, the Court passed the following:-

ORDER

This is a petition under Section 36(3) of Arbitration and

Conciliation Act, 1996 to stay the operation of the impugned arbitral award having No.235/2025 in LAC No.8700/21 and 8701/21 (Kaipamangalam Village) dated 10.07.2025 passed by the Arbitrator.

2. Brief statement of facts are, the petitioner herein is respondent in Arbitration Case having Award No.235/2025 in LAC No.8700/21 and 8701/21 (Kaipamangalam Village) dated 10.07.2025 passed by the Arbitrator. By virtue of the impugned award the respondent is liable to pay excess amount of Rs.1,01,501/- and interest at the rate of 9% per annum on the total excess amount from the date of taking possession of the land to the date of deposit of the enhanced amount. Aggrieved by the said impugned award the present O.P. is filed u/s.34 of the Act. *Inter alia* it is contended that the arbitral award is against the facts and circumstances of the case and transaction, the learned Arbitrator failed to appreciate the facts in a proper and befitting manner. Further it is contended that the petitioner has not received any notice from the Arbitrator regarding the proceedings before the arbitrator. Therefore the petitioner was not in a position to contest the matter in a proper manner. Therefore the petitioner further urged that the impugned award itself is not sustainable under law and facts. The same is liable to be set aside. In the present petition it is contended that if such an unsustainable award is executed that will cause much irreparable injury to

the petitioner. Therefore he prayed to stay the operation of the impugned award.

3. I have heard counsel for the petitioner and perused the records including the impugned award and the petition filed u/s.34 of Arbitration and Conciliation Act and also the affidavit filed in the present petition. Having gone through those documents and upon hearing the learned counsel for the petitioner at this stage this court found that there are good case to contest in the O.P. That be so if the impugned award is executed that will cause much irreparable loss and injury to the petitioner. Moreover the O.P. itself become infructuous. Hence this court found that there are reasonable and sufficient grounds to stay the operation of the impugned award. Therefore the operation of the impugned Arbitration Case having Award No.235/2025 in LAC No.8700/21 and 8701/21 (Kaipamangalam Village) dated 10.07.2025 passed by the Arbitrator (National Highways Act 1956) & District Collector, Thrissur is stayed for a period of three months.

(Dictated to the Personal Assistant, transcribed by her, corrected by me and pronounced in open court on this the 16th day of June, 2026.)

Sd/-

SASI KUMAR P.S.
PRINCIPAL DISTRICT JUDGE.

By Order,

Sheristadar

/true copy/

Copied by : Sheena P.B.

Compared by: Jancy George