



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

FRIDAY, THE 21ST DAY OF FEBRUARY 2025 / 2ND PHALGUNA, 1946

RP NO. 913 OF 2024

**AGAINST THE ORDER/JUDGMENT DATED 15.07.2024 IN OP(ATE) NO.14
OF 2024 OF HIGH COURT OF KERALA**

REVIEW PETITIONERS/RESPONDENTS:

- 1 MARY JOSE,
AGED 76 YEARS
WIFE OF DR. JOSE PAUL, VELLIMOOZHAYIL HOUSE,
THODUPUZHA P.O. THODUPUZHA VILLAGE,
THODUPUZHA TALUK, IDUKKI DISTRICT, PIN - 685584**
- 2 SHIBU JOSE
AGED 51 YEARS, SON OF DR. JOSE PAUL VELLIMOOZHAYIL
HOUSE, THODUPUZHA P.O. THODUPUZHA VILLAGE,
THODUPUZHA TALUK, IDUKKI DISTRICT, PIN - 685584**

**BY ADVS.
M.RISHIKESH SHENOY
ANN MARY.V.I
ANASOOYA BABURAJ
ANJALA**

RESPONDENT/PETITIONER:

**RAJU MATHEW
AGED 75 YEARS, SON OF MATHEW,
EDATHALA HOUSE,
RAMALLOOR P.O. KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN - 686691**

SRI. VINAY MATHEW JOSEPH

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
21.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



G. GIRISH, J.

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R.P.No.913 of 2024

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Dated this the 21st day of February, 2025

ORDER

This Review Petition is filed with a prayer to review the judgment dated 15.07.2024 in O.P.(ATE) No.14 of 2024, extending the tenure of the Arbitrator appointed in this case by a further period of 12 months from 17.03.2024. The petitioners herein, who are the respondents in the above O.P.(ATE) No.14 of 2024 (the petitioners in A.R. No. 96 of 2018) would contend that, in the light of the order dated 13.05.2024 of the Hon'ble Supreme Court in ***Chief Engineer (NH) PWD (Roads) v. M/s BSC C and C JV*** in special leave to Appeal No. 10544 of 2024, the power to extend the term of the Arbitrator under Section 29A of the Arbitration and Conciliation Act, 1996 is vested with the principal Civil Court of the districts in all cases except where the High Court has ordinary original civil jurisdiction.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.

3. The Apex Court, in the decision cited above, has laid down the



law that the power under Sub Section 4 of Section 29A of the Arbitration and Conciliation Act, 1996, vests in the court as defined in Section 2(1)(e) of the said Act, and that it is the principal Civil Court of original jurisdiction in a district, which could invoke the said provision of law, when the High Court has no ordinary original civil jurisdiction.

4. Going by the aforesaid dictum of the Apex Court, rendered on 13.05.2024, this Court, while rendering the judgment in O.P.(ATE) No.14 of 2024 on 15.07.2024, was not empowered to grant extension of the period of the Arbitrator by invoking Section 29A (4) of the Arbitration and Conciliation Act, 1996. Therefore, there are sufficient grounds to review the aforesaid judgment rendered by this Court on 15.07.2024.

In the result, the petition stands allowed. The judgment dated 15.07.2024 of this Court in O.P.(ATE) No.14 of 2024, is reviewed and recalled.

Sd/-
G. GIRISH,

JUDGE

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