

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5061 OF 2007

State of Kerala and another ..Appellants
versus
N.D. Mathai ..Respondent

O R D E R

1. Consequent upon the pronouncement of the award dated 13.09.1990 by the arbitrator, the Court of the Principal Sub Judge, Thiruvananthapuram, initiated proceedings suo motu, under Section 17 of the Arbitration Act, 1940, and made the award the rule of the Court, by an order dated 09.12.1993. The determination rendered by the arbitrator, and affirmed by the Subordinate Judge, was assailed by the appellants before the High Court of Kerala, at Ernakulam (hereinafter referred to as the 'High Court').

2. We may examine the eventual outcome, emerging from the determination rendered by the High Court. Insofar as claim (a) is concerned, the arbitrator had awarded an amount of Rs.3,85,750/-, the same was maintained by the High Court. As against claim (b), the contention raised by the respondent was rejected by the arbitrator himself. With reference to claim (c), the arbitrator awarded an amount of Rs.97,700/-, the said determination rendered by the arbitrator with reference to claim (c), was set aside by the High Court. Claim (d) was rejected by the arbitrator himself. With reference to claim (e), the arbitrator awarded a sum of Rs.38,363/- to the respondent, the aforesaid determination of the arbitrator

was maintained by the High Court. Claim (f) was allowed by the arbitrator, and a sum of Rs.1,58,000/- was awarded to the respondent. Claim (f) was set aside in its entirety by the High Court. With reference to claim (g), the arbitrator awarded a sum of Rs.11,700/-, this determination rendered by the arbitrator was maintained by the High Court. Claim (h) was rejected by the arbitrator himself. Claim (i) was allowed by the arbitrator, and a sum of Rs.1,61,200/- was directed to be paid to the respondent. This determination rendered by the arbitrator was set aside by the High Court. On claims (j) & (k), the arbitrator awarded sums of Rs. 250/- and Rs.99,750/- respectively, to the claimant. The determination rendered by the arbitrator was upheld by the High Court, with reference to both the claims (j) and (k) respectively. The arbitrator himself rejected claims (l), (m), (n) and (o). No other reference, therefore, needs to be made in respect of the findings recorded on claims (l), (m), (n) and (o). Claim (p) was the cumulative final bill, indicating the total amount payable by the appellants to the respondent. In terms of the determination now rendered by the High Court, the sum finally payable by the appellants to the respondent emerges from claims (a), (e), (g), (j) and (k), which when added together comes up to Rs.5,35,813/- (Rs.3,85,750/- + Rs. 38,363/- + Rs.11,700/- + Rs.250/- + Rs.99,750/- = Rs.5,35,813/-). The arbitrator also awarded interest @ 12% per annum on the amount found payable by the appellants to the respondent.

3. No one has entered appearance on behalf of the appellants. The cumulative effect of the payment, which the

appellants must make to the respondent, in terms of the order passed by the High Court, is a sum of Rs.5,35,813/-, with 12% interest, with effect from the date of the award.

4. The High Court records, that the findings in the award are through a non-speaking award, yet has interfered with the claims awarded, which did not form a part of the contractual obligation between the parties. In the above view of the matter, we find no justification in interfering with the impugned order passed by the High Court. Moreover, the amount involved in this matter is too trivial, to retain the instant appeal, on the board of this Court, especially when no one has entered appearance on behalf of the appellants.

5. The instant appeal is accordingly dismissed.

.....CJI
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;
APRIL 12, 2017.

.....J.
[SANJAY KISHAN KAUL]

ITEM NO.102

COURT NO.1

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5061/2007

STATE OF KERALA & ANR.

Appellant(s)

VERSUS

N.D. MATHAI

Respondent(s)

Date : 12/04/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Appellant(s) None

For Respondent(s) Mr. Shubham Singh, Adv.
Mr. Varun Mudgal, Adv.
Mr. S.C. Jaidwal, Adv.
for Mr. Romy Chacko, AORUPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(Renuka Sadana)
Assistant Registrar(Parveen Kumar)
AR-cum-PS

[signed order is placed on the file]