

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3404 OF 2023
(arising out of SLP (C) No. 3006/2021)

MOHAMMED SAIFULLA

Petitioner(s)

VERSUS

M/S. CHOLAMANDALAM INVESTMENTS AND FINANCE COMPANY LTD. & ANR.
Respondent(s)

O R D E R

Leave granted.

This Court has heard learned counsel for the parties.

Petitioner was non suited on the ground of limitation. His complaint of deficiency in service (as regards the loan disbursed by the respondents which led to repossession of his vehicle and its sale) was rejected relegating him to the civil court. When he did approach the civil court, the respondent filed a Section 8 arbitration application. The civil court relegated the parties to arbitration; the petitioner's claim was rejected on the ground of limitation. This appeal too, met with the same fate.

It is evident that the courts below completely overlooked the mandate of section 14 of the Limitation Act, which squarely applied and came to the aid of the petitioner. He had agitated his claim before the fora, which held the claim to be inadmissible since the fora was incompetent to adjudicate the claim.

In the circumstances of this case, the net result has been that the petitioner is left without a remedy, even though Section 14 of the Limitation Act applied.

For these reasons, the impugned order is hereby set aside and the matter is relegated to the arbitrator, who shall proceed to hear the parties and decide the merits of the claim pending before him, as early as possible.

The rights of the parties are reserved; nothing stated in the impugned order shall be construed as conclusive.

The civil appeal is allowed.

Pending applications, if any, are disposed of.

.....J.
(S. RAVINDRA BHAT)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
01st MAY, 2023

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

Petition(s) for Special Leave to Appeal (C) No(s). 3006/2021

(Arising out of impugned final judgment and order dated 02-08-2019 in OP No. 259/2014 passed by the High Court Of Judicature At Madras)

MOHAMMED SAIFULLA

Petitioner(s)

VERSUS

M/S. CHOLAMANDALAM INVESTMENTS AND FINANCE COMPANY LTD. & ANR.
Respondent(s)

Date : 01-05-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Raghavendra S. Srivatsa, AOR
Ms. Komal Mundhar, Adv.
Mr. Likhi Chand Bonsle, Adv.
Mr. Rahat Bansal, Adv.

For Respondent(s) Mr. Jinendra Jain, AOR
Mr. Ajay Jain, Adv.
Mr. Ravi Shankar, Adv.
Mr. Krishna Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The impugned order is hereby set aside and the civil appeal is allowed in terms of the signed order.

Pending applications, if any, are disposed of.

(HARSHITA UPPAL)
SENIOR PERSONAL ASSISTANT

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(signed order is placed on the file)