

CASE NO.:
Appeal (civil) 1301 of 2002

PETITIONER:
M.M.T.C. LTD

RESPONDENT:
M/S. H.J. BAKER & BROS. INC

DATE OF JUDGMENT: 27/02/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

WITH
C.A.NO.1290/2002

Heard the parties.

We propose to dispose of these appeals by a short order. Therefore, the facts leading to the filing of these appeals may not be recited.

The award was made on 3/2/1996 by three arbitrators. The award was filed before the learned single Judge for making it the rule of the court. The appellant filed objections under Section 30 and 33 of the Arbitration Act, 1940(hereinafter 'the Act', for short) taking various grounds. It appears that the learned single Judge by a lengthy judgment rejected the objections filed by the appellant and by the same order the award was made the rule of the court. Aggrieved thereby, the appellant preferred an appeal before the Division Bench.
.....2.

- 2 -

In the appeal memo, the appellant has taken as many as 32 grounds as to why the award made by the arbitrators be not set aside as the same has been improperly procured or is otherwise invalid. The learned Division Bench, after hearing the counsel on both the sides, disposed of the appeal, the relevant portion of which reads as under:-

"We are of the view that the approach adopted by the learned Single Judge while considering the objections to the award is in consonance with the principles laid down by Supreme Court. Parties have chosen the forum of their choice. Scope of interference by the Court is limited one and Learned Single Judge was perfectly justified in saying that no ground was made out to interfere with the award."

A reading of the relevant portion of the judgment clearly shows that none of the grounds raised by the appellant in the appeal memo has been considered. By now, it is well settled principles of law that the courts are to consider and answer all the issues raised before it. This has not been done in the present case.

The order of the Division Bench is, therefore, unsustainable in law. The order dated 21/11/2001 passed in
.....3.

- 3 -

FAO(OS)477/01 is hereby set aside. FAO(OS)477/01 is restored to the file of the High Court. As the award has been made as far back on 3/2/1996, we request the High

Court to dispose of the appeal within three months from today after considering all the issues raised in the appeal memo.

Appeals are disposed of in the above terms. No costs.

JUDIS