

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 944 OF 2008

P. SHAILAJA & ORS. Appellant (s)

VERSUS

M. NARENDER REDDY & ORS. Respondent(s)

(With office report )

Date: 30/04/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s) Mr. Jaideep Gupta, Sr. Adv.  
Mr. R. Santhan Krishnan, Adv.  
Mr. D. Mahesh Babu, Adv.

For Respondent(s) Mr. P.S. Narasimha, Sr. Adv.  
Mr. Shekhar G. Devasa, Adv.  
Mr. K. Parameshwar, Adv.  
Mr. Dinesh Kumar Garg, Adv.

UPON hearing counsel the Court made the following  
ORDER

The appeal is allowed in terms of the signed order. No costs.

( Ravi P. Verma )  
Court Master

( M.S. Negi )  
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 944 OF 2008

P. SHAILAJA & ORS. ....APPELLANT(S)

Versus

M. NARENDER REDDY & ORS. ....RESPONDENT(S)

ORDER

We have heard learned counsel for the parties. We observe from the impugned order of the High Court dated 29/9/2006 that the Hon'ble Judge has given findings that the arbitration agreement was not legally valid, that the claim was stale and time barred. We are of the opinion that these findings are on the merits of the case and it was not open to the Court to decide this issue as these matters were to be left for the decision of the arbitrator.

In this view of the mater, we are of the opinion that the impugned order has to be set aside. It is, accordingly, set aside. We also request Hon'ble Mr. Justice B.P. Jeevan Reddy, a retired Judge of this

Court, to be the sole arbitrator to settle the disputes between the parties. We clarify that the expenses for the arbitration will be borne by the appellant. We further request the arbitrator to take a decision in the matter as expeditiously as possible. All contentions including the question of limitation and as to the stale nature of the claim will be open before the arbitrator.

The appeal is allowed in the above terms. No costs.

.....J.  
( HARJIT SINGH BEDI )

New Delhi; .....J.  
April 30, 2009. ( B. SUDERSHAN REDDY )