SURESH RAGHO DESAI & ANR.

v.

SMT. VIJAYA VINAYAK GHAG & ANR.

AUGUST 29, 1988

[SABYASACHI MUKHARJI AND S. RANGANATHAN, JJ.]

Arbitration Act, 1940: ss. 30 & 33—Unreasoned award—Validity of—Parties participated in proceedings—No objection taken when award was made—No violation of principles of natural justice—No miscarriage of justice or of equity—Held, challenge not sustainable.

The petitioners participated in the arbitration without demur. When the award was made in 1981 no objection was taken by them that it was bad being unreasoned one. The High Court dismissed the challenge to the award. In the special leave petition it was contended for them that relevant documents had not been taken into consideration.

Dismissisng the special leave petition,

HELD: The High Court has pointed out that the award does not indicate that all relevant documents had not been taken into consideration. The parties participated in the arbitration. There is no allegation of any violation of principles of natural justice. There is no mistake of law apparent on the face of the award or gross mistake of facts resulting in miscarriage of justice or of equity. It would, therefore, be unjust under Art. 136 of the Constitution to interfere or keep the finding at bay. [642C-D]

CIVIL APPELLATE JURISDICTION: Special Leave Petition (Civil) No. 2391 of 1987.

From the Judgment and Order dated 22.10.86 of the Bombay High Court in Appeal No. 439/82.

S.B. Bhasme and A.S. Bhasme for the Petitioners.

A.K. Gupta for the Respondents.

The Judgment of the Court was delivered by

SABYASACHI MUKHARJI, J. The High Court of Bombay dis-

A missed the challenge to the award in question. The award is an unreasoned one. The transactions between the parties started sometime in 1974. The petitioners participated in the reference in 1979, without demur. In 1981, the award was made. No objection was taken at that time that the award was bad being an unreasoned one. The matter is pending for a long time. It is not desirable, in the interest of justice, to keep this matter pending because some cases are pending here on the question of the validity of unreasoned award *per se*. The parties participated in the arbitration. There is no allegation of any violation of principles of natural justice. One of the contentions in support of this application was that relevant documents had not been taken into consideration. The High Court has pointed out on reading the award that it does not indicate that all relevant documents had not been taken into consideration. On the facts of this case, from the records and on the face of the award there is no mistake of law apparent on the face of the award or gross mistake of facts resulting in the miscarriage of justice or of equity. In the premises it would be unjust under Article 136 of the Constitution to interfere or keep the finding at bay.

The Special Leave Petition fails and is, therefore, dismissed.

P.S.S. Petition dismissed.