



2024:KER:28492

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G. GIRISH

TUESDAY, THE 2ND DAY OF APRIL 2024/13TH CHAITHRA, 1946

ARB.A NO.1 OF 2024

AGAINST THE ORDER/JUDGMENT DATED 30.09.2023 IN OP(ARB)
NO.27 OF 2022 OF ASSISTANT SESSIONS COURT/PRINCIPAL SUB
COURT / COMMERCIAL COURT, THRISSUR

APPELLANTS/PETITIONERS IN O.P(ARB)No.27 OF
2022/RESPONDENTS:

- 1 RIBON RAVI
AGED 36 YEARS, S/O RAVI.P.D, PUSHPA VILASAM HOUSE,
MANNAMKKANDAM.P.O., ADIMALI, IDUKKI., PIN 685 561
- 2 SANTHOSH.C.R
AGED 57 YEARS, S/O C.K.RAGHAVAN, CHENGANKAL HOUSE,
MANNAMKKANDAM.P.O., ADIMALI, IDUKKI, PIN 685 561
- 3 JAYA @ JAYA SANTHOSH
AGED 47 YEARS, W/O SANTHOSH.C.R., CHENGANKAL HOUSE,
MANNAMKKANDAM.P.O., ADIMALI, IDUKKI, PIN 685 561

BY ADV
P.P. JACOB

RESPONDENT/RESPONDENT IN O.P(ARB)27 OF 2022/PETITIONER:

M/S. MABEN NIDHI LTD.
BUIDDING NO.IV/709, 1ST FLOOR, J.P. MART,
NEAR HIGH SCHOOL JUNCTION, VALAPAD.P.O., THRISSUR,
REPRESENTED BY AUTHORIZED REPRESENTATIVE PRINCE
JOSEPH, PIN - 680 567

BY ADVS.
Unniraj VB
K.SEEMA(S-1334)
P.ANITHA(K/76/2011)

THIS ARBITRATION APPEALS HAVING COME UP FOR FINAL
HEARING ON 02.04.2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



JUDGMENT

The appellants have filed this appeal under Section 37 of the Arbitration and Conciliation Act, 1996.

2. Heard the learned counsel for the appellants and the learned counsel for the respondent.

3. It is pointed out by the learned counsel representing both sides that the present appeal ought to have been filed before the District Court concerned in the light of the decision of a Division Bench of this Court in **Alexander Luke v. M/s. Aditya Birla Money Ltd. [2024 KHC OnLine 107]**. It has been held by the Division Bench of this Court in the aforesaid decision that for the purpose of consideration of a commercial dispute, even if it arises under the Arbitration Act, would be the Commercial Court and appeal would, therefore, lie only to the Commercial Appellate Court, which is the Principal Civil Court of original jurisdiction of the district concerned.

4. In the light of the dictum laid down by the Division Bench of this Court in the aforesaid decision, the appellants herein have to present this appeal before the Commercial Appellate Court, Thrissur.

5. Accordingly, Registry is directed to return the appeal memorandum to the appellants after keeping a certified copy of



the same with the files. The appellants shall present the appeal before the appropriate court having jurisdiction, as early as possible, at any rate, not later than 20.05.2024.

This appeal is disposed of as above.

Sd/-

G. GIRISH, JUDGE

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