

Suresh Ragho Desai and Another

Vs

Smt. Vijaya Vinayak Ghag and Another

Special Leave Petition (Civil) No. 2391 of 1987

(Sabyasachi Mukharji, Sabyasachi Mukharji JJ)

29.08.1988

JUDGMENT

SABYASACHI MUKHARJI, J. –

1. The High Court of Bombay dismissed the challenge to the award in question. The award in an unreasoned one. The transactions between the parties started some time 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 mistake carriage 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.

2. The special leave petition fails and is, therefore, dismissed.

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