

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 12TH DAY OF SEPTEMBER 2023 / 21ST BHADRA, 1945

AR NO. 76 OF 2023

PETITIONER:

S. RAJANIKANTH

AGED 40 YEARS

S/O. SUDEVAN, PROPRIETOR, M/S. INFRA SYSTEMS, TC 20/1344,
MANGADLANE, KARAMANA POST, THIRUVANANTHAPURAM - 695002,
RESIDING AT TC 20/1344, MANGADLANE, KARAMANA POST,
THIRUVANANTHAPURAM - 695002.

BY ADVS.

R.S.KALKURA

M.S.KALESH

HARISH GOPINATH

SILPA S.

RESPONDENT:

M/S. ALAYEES FOODSTUFF TRADING LLC

P.O. BOX, 123373, SHOP NO.04, BUILDING NO.8, RAS AL KHOR
IND 3, DUBAI, UAE REPRESENTED BY ITS MANAGER / MANAGING
DIRECTOR.

THIS ARBITRATION REQUEST HAVING COME UP FOR ADMISSION ON
12.09.2023, ALONG WITH AR.77/2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

[AR Nos.76/2023, 77/2023]

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RESIDING AT TC 20/1344, MANGADLANE, KARAMANA POST,
THIRUVANANTHAPURAM - 695002, PIN - 695002

BY ADVS.

R.S.KALKURA

M.S.KALESH

HARISH GOPINATH

SILPA S.

RESPONDENT:

M/S. AJWAD BUSINESS WORLD CO. W.L.L.,

SHOP NO. 336, CENTRAL MARKET, MANAMA, KINGDOM OF BAHRAIN
REPRESENTED BY ITS MANAGING DIRECTOR., PIN - 695002

THIS ARBITRATION REQUEST HAVING COME UP FOR ADMISSION ON
12.09.2023, ALONG WITH AR.76/2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

O R D E R

The learned counsel for the petitioner, today submitted that his client has not instructed him; and therefore, that he has not been able to take steps for service of summons to the respondents.

2. The records reveal that several opportunities have been given to the petitioner to complete service on the respondents, but that not even the process for such have been furnished.

In the afore circumstances, this Court is left without any other option but to dismiss this Arbitration Request for non prosecution. It is so ordered.

I, however, make it clear that if the petitioner is so interested, he will be at

[AR Nos.76/2023, 77/2023]

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liberty to seek a rehearing; for which purpose,
all his contentions are left open.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

SAS

APPENDIX OF AR 77/2023

PETITIONER'S ANNEXURES

Annexure P1	TRUE COPY OF THE CONTRACT DATED 02-04-2020 ENTERED INTO BETWEEN THE APPLICANT AND THE OPPOSITE PARTY
Annexure P1 (a)	TYPED READABLE COPY OF ANNEXURE P1
Annexure P2	TRUE COPY OF THE PURCHASE ORDER DATED 31.03.2020 ISSUED BY THE OPPOSITE PARTY TO THE APPLICANT
Annexure P3	TRUE COPY OF THE RELEVANT PAGES OF THE CURRENT ACCOUNT BEARING NO. 103000200054791 OF THE FEDERAL BANK THIRUVANANTHAPURAM BRANCH CONTAINING THE ENTRY OF PAYMENT
Annexure P4	TRUE COPY OF THE SEAWAY BILL (BILL OF LADING) DATED 27-04-2020 ISSUED BY M/S. MAERSK
Annexure P5	TRUE COPY OF THE CERTIFICATE ISSUED BY THE MEMON CHAMBER OF COMMERCE WITH REGARD TO THE GOODS DISPATCHED BY THE APPLICANT TO THE OPPOSITE PARTY
Annexure P6	TRUE COPY OF THE CUSTOMS CLEARANCE DOCUMENTS ALONG WITH SHIPPING BILLS FOR EXPORT DATED 27- 04-2020 TO BY THE CONSIGNER APPLICANT TO THE CONSIGNEE OPPOSITE PARTY
Annexure P7	TRUE COPY OF THE PHYTOSANITARY CERTIFICATE ISSUED BY PLANT PROTECTION ORGANIZATION OF INDIA TO THE PLANT PROTECTION ORGANISATION OF BAHRAIN DATED 03.04.2020
Annexure P8	TRUE COPY OF THE NOTICE DATED 16- 03-2023

APPENDIX OF AR 76/2023

PETITIONER'S ANNEXURES

Annexure P1	TRUE COPY OF THE CONTRACT DATED 02-04-2020 ENTERED INTO BETWEEN THE APPLICANT AND THE OPPOSITE PARTY
Annexure P2	TRUE COPY OF THE FOREIGN BILL TRANSACTION ADVISE DATED 30-04-2020 ISSUED BY THE FEDERAL BANK TO THE APPLICANT
Annexure P3	TRUE COPY OF THE SEAWAY BILL (BILL OF LADING) DATED 09-04-2020 ISSUED BY M/S. MERCHANT LINES
Annexure P4	TRUE COPY OF THE CUSTOMS CLEARANCE SHIPPING DOCUMENT WITH BRC REALISATION DATE 31.01.2021 SENT BY THE CONSIGNER APPLICANT TO THE CONSIGNEE OPPOSITE PARTY
Annexure P5	TRUE COPY OF THE NOTICE DATED 16-03-2023.