

PART B.—RULES UNDER THE INDIAN ARBITRATION ACT, 1940
(Act X of 1940.)

Rules made by the High Court under the powers conferred by section 44 of the Indian Arbitration Act, 1940 (Act X of 1940), and published in its notification No. 45-RIX. W-5, dated the 9th March, 1945.

1. *Citation*.—The following rules shall be cited as the Arbitration Rules. All references therein to 'Act' shall be read as meaning the Arbitration Act, 1940.

2. *Title of application*.—(a) Save as hereinafter provided, all applications, affidavits and proceedings under the Act, shall be intituled in the matter of the Act, and in the matter of the Arbitration.

(b) Applications under Chapter IV of the Act shall be intituled in the suit or matter in which order or reference is made.

(c) Applications under section 34 of the Act shall, be intituled in the suit which the applicant seeks to have stayed.

(d) Applications under section 7 (2) of the Act shall be intituled in the matter of the insolvency in which the reference to arbitration is sought or claimed.

3. *Mode of application*.—All applications under the Act shall be made only to the proper Court and all applications shall be made by petition and shall be presented in the same manner as plaints or other applications to the Clerk of the Court or to such other officer as the Court appoints in that behalf who shall cause them to be registered and take such orders as are necessary from the Presiding Judge. Where application is made with the consent of all the parties affected thereby, the written petition shall be endorsed with the consent of the parties affected and shall bear their signature.

4. *Contents of petition*.—The petition shall be divided into paragraphs numbered consecutively and shall contain the name, description and place of residence of the petitioner of the opposite party, with a statement in summary form—

(a) of the material facts.

(b) of facts showing that the Court to which the application is presented has jurisdiction, and

(c) of the nature of the relief asked for, and shall specify the persons liable to be affected by the

application. A copy of the arbitration agreement, the special case or the award relating to the petition shall be annexed to the application:

Provided that where a party is, by reason of absence or for any other good cause, unable to sign the same, it may be signed on his behalf by any person duly authorised by him to sign the same.

5. *Registering petitions and a ward.*—Applications under section 14 of the Act shall be numbered and registered as regular suits. Other applications under the Act shall be numbered and registered as miscellaneous applications requiring judicial enquiry.

6. *Notice of application to persons affected by award.*—Upon any application by petition under the Act, the Judge shall direct notice thereof to be given to all persons mentioned in the petition, and to such other persons as may seem to him to be likely to be affected by the proceedings, requiring all or any of such persons to show cause within the time specified in the notice, why the relief sought in the petition should not be granted.

7. *Copy of petition.*—A copy of the petition shall be served on each person notified by virtue of the last preceding rule and the applicant shall supply a copy of the petition or affidavit for service on the opposite party.

8. *Court fees and process fees.*—(a) The Court fees and process fees chargeable for all petitions shall be in accordance with the Court Fees Act and the rules for the levy of process fees in force for the time being.

(b) The petitioner or the plaintiff shall deposit the necessary process fees for notice to the other party concerned within three days of the presentation of his petition or within such further time as the Court may permit.

(c) The party who has requested the arbitrator or umpire to cause an award to be filed shall, within three days after the filing of the award, or within such further time as the Court may permit, deposit the process fees for notice to the other parties concerned.

9. *Notice to arbitrators.*—*Except* where misconduct on the part of an arbitrator or umpire is alleged as a ground for setting aside an award or for removing an arbitrator or umpire, or unless the Court otherwise orders, it shall not be necessary to serve notice of the application upon

an arbitrator or umpire and he shall not be allowed his costs of appearing thereto.

10. *Filing of award.*—(a) The arbitrator or umpire or any of the parties to the arbitration may cause the award or a signed copy thereof to be filed in Court in the manner prescribed in rule No. 3.

(b) When the award is filed by the arbitrator or umpire, he shall, together with the award, send to the Court any depositions and documents which have been taken and proved before him, and the opinion pronounced by the Court on the special case submitted by him, if any, in accordance with Section 14 of the Act, by forwarding the same under a sealed cover addressed to the Court. He shall also send together with the award a copy of the notice given to the parties concerned and affidavit of service of such notice and of attestation of his signature on the award.

(c) When the award is filed by any of the parties to the arbitration under clause (a), the party may move the Court for directing the arbitrator to produce in original such of the documents as were produced before him together with the record of the arbitration.

11. *Notice of filing award.*—When the award has been filed in Court, the Court shall forthwith issue notice of such filing to the parties interested in the award.

12. *Limitation for application for Judgment on Award.*— An application for judgment in terms of an award shall not be made until after the expiration of 30 days from the date of service of the notice of filing the award.

13. *Court to issue notice on application under section 20.*— When an application under section 20 of the Act is filed and registered, the Court shall, on the application, issue a notice, returnable within not less than 10 days from the service thereof, calling upon the opposite party to show cause why arbitration agreement should not be filed .

14. *Processes to be issued on application by arbitrator or umpire.*—Processes to the parties to arbitration proceedings or to witnesses shall be issued by the Court on the written application of the arbitrator or the umpire.

15. *Accompaniment of the above application.*—If the proceedings are under Chapter II of the Act, the application for such processes must be accompanied by a copy of the agreement under which the arbitrator or the umpire is acting. If otherwise, the date of the order appointing

him arbitrator or umpire shall be mentioned in the application.

16. *Special case.*— Every special case for the Court's opinion under section 13 (b) of the Act shall be made in Form No. 1. The arbitrator or umpire, as the case may be, shall at the same time give notice of such action to the parties. When the Court has announced its opinion under section 14 (3), it shall be the duty of the arbitrator or umpire concerned to have a certified copy of such opinion added to and made part of the award.

17. *Application of Code of Civil Procedure and the High Court Rules and Orders.* —In the cases not provided for in the foregoing rules or in the Act, the provisions of the Code of Civil Procedure, 1908, and the High Court Rules and Orders, *mutatis mutandis*, shall apply, to all the proceedings before the Court and to all appeals under the Act.

18. *Forms.*—The forms prescribed by these rules shall be used for the purposes to which they severally relate with such variations as the circumstances of each case may require.

FORM No. 1

SPECIAL CASE

(Title of suit)

In the matter of arbitration between A. B. of.....
.....and C. D. of the following special case is
stated for the opinion of the Court :—

(Here state the facts concisely in numbered paragraphs).

The questions of law for the opinion of the Court are :—

First—Whether
X

Second—Whether
Y

Dated the..... day of..... 19 . :

FORM No. II

APPLICATION FOR AN ORDER OF REFERENCE

(Title of suit)

- 1.This suit is instituted for (state nature of claim).
- 2.The matter in difference between the parties is (state matter of difference).
- 3.The applicants being all the parties interested have agreed that the matter in difference between them shall have referred to arbitration.
- 4.The applicants, therefore, apply for an order of reference.

A. B.
C. D.

Dated the.....day of..... 19 .

NOTE:—If the parties are agreed to the arbitrators, it should be so stated.

FORM No. III

ORDER OR REFERENCE

(Title of suit)

Upon reading the application presented on the.....
day of.....19 , it is ordered that the following matter
 in difference arising in this suit, namely:—
 be referred for determination to X and Y, or in case of their
 not agreeing then to the determination of Z, who is hereby
 appointed to be umpire; and such arbitrators are to make
 their award in writing on or before the.....day of.....
 ...19 , and in case of the said arbitrators not agreeing in an
 award the said umpire is to make his award in writing
 within.months after the time during which it is within the
 power of the arbitrators to make an award shall have
 ceased.

Liberty to apply

Given under my hand and the seal of the Court, this
day of..... 19 .

Judge

FORM No. IV

ORDER FOR APPOINTMENT OF NEW ARBITRATOR

(Title of suit)

Whereas by an order, dated the.....day of.....
.....19 (state order of reference and death, refusal, etc; of
arbitrator), it is by consent ordered that Z be appointed in the
place of X deceased (or as the case may be to act as arbitrator
with Y, the surviving arbitrator, under the said order; and it is
ordered that the award of the said arbitrators be made on or
before the day of..... 19 .

Given under my hand and the seal of the Court, this
day of..... 19 .

FORM No. V

AWARD

(Title of suit)

In the matter of an arbitration between A. B. of
..... and C. D. of.....

Whereas in pursuance of an order of reference made by
the Court ofand dated the.....day of
..... 19 .

the following matter in difference between A. B. and C. D.
namely :-

has been referred to us for determination :-

Now we, having duly considered the matter referred to
us do hereby make our award as follows:—

We award.....

- (1)That
- X
- (2)That

.. Y

Dated theday of.....19 .

****FORM No. VI**

NOTICE OF FILING OF AN AWARD

(Title)

.....

.....

arbitrator under
 WHEREAS the petitioner, _____ an arbitration
 party to
 agreement, dated, between you and..... ...
has filed
 _____ in Court an award dated.....

 caused to be filed
 made
 by _____,
 [Name (s) of arbitrator (s)]
 notice is hereby given to you of the filing of the same in this
 Court.

Unless an application to have the award set aside or
 remitted for reconsideration is made within thirty days of the
 date of service of this notice, a judgment in terms of the award
 may be pronounced by the Court and on the judgment so
 pronounced a decree shall follow.

Given under my hand and the seal of the Court, this
 day of.....19 .

Sd/-.....

(SEAL).

.....Judge.

at.....

****FORM No. VII**

NOTICE OF THE FILING OF AN ARBITRATION AGREEMENT.

(Title)

To

.....
.....

WHEREAS the plaintiff has applied that you are a party to an arbitration agreement dated., and that differences have arisen with regard to the subject matter of this agreement or any part thereof and that the agreement should be filed in Court:—

NOTICE is hereby given calling upon you to show cause on* why the arbitration agreement should not be filed.

Given under my hand and the seal of the Court, this day of..... 19 .

Sd/-.....

(SEAL)

Judge

at

*In accordance with rule 13 of the rules contained in Chapter 4-B, High Court Rules and Orders, Volume I the notice is returnable within not less than ten days from the service thereof.

***(Forms Nos. VI and VII were added by High Court notification No. 25/ Genii X-W-5, dated the 23rd October, 1956.)*