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Krishna Shorthand Institute

कृष्णा आशुलिपिक संस्थान

(English Only) By. A.V. Kushwaha

(For Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all other departments requiring "English Stenographer/Personal Assistant/Private Secretary")

(87, Sulem Sarai, Prayagraj, Uttar Pradesh)

(Contact No. 7355504435)

Note: You will get following:

- 1. Passage**
- 2. Important Outlines**
- 3. Important Vocabulary**
- 4. Accuracy Building Tips etc.**

NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Topic: Arbitration and Conciliation

Volume 1: Dictation No. 20, Part 2

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

Similarly, with respect to impleading an Arbitrator as a party in a petition under Section 34 or 37 of the Arbitration and Conciliation Act, 1996 before a Commercial Court, this Court, drawing an analogy from proceedings before Civil Courts, holds that an Arbitrator ought not to be impleaded as a party-respondent in such proceedings. The Act itself provides detailed grounds for challenging an award under Section 34 and a right of appeal under Section 37. In both instances, it is the award which is the subject matter of adjudication before the Court. Consequently, there is no necessity to implead the Arbitrator as a respondent, since the Arbitrator is neither required to defend the award nor personally interested in the dispute. This Court is not unmindful of the fact that Arbitrators are

often embarrassed upon receipt of notices from this Court, which imposes on them an unnecessary burden, and in most cases, they remain unrepresented. Thus, they cannot be treated as contesting respondents. Just as in an appeal or revision the lower Court or the presiding Judge is not impleaded as a party, similarly, in proceedings under Sections 34 or 37, the Arbitrator or members of the Arbitral Tribunal are wholly unnecessary parties, unless specific personal allegations are made against them. Only in rare cases, where such allegations are levelled, may the Arbitrator be impleaded to answer them. The Act itself contains provisions where an Arbitrator may be made a party-respondent. However, once the award has been delivered and the Arbitrator has become functus officio, there is ordinarily no requirement to implead the Arbitrator or the Arbitral Tribunal in proceedings under Sections 34 or 37. In the present case, this Court finds no personal allegations against the learned Sole Arbitrator. Accordingly, the office is directed to delete the name of Shri P.N. Gupta, Sole Arbitrator, as respondent No. 2 from the array of parties in the present appeal.

Turning to the issue of delay, it is well settled that the expression 'sufficient cause' under Section 5 of the Limitation Act cannot be stretched to cover inordinate delays. Merely establishing sufficient cause does not confer an automatic right to have delay condoned. The Supreme Court in

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Borse Brothers v. State of Bihar has held that only short delays may be condoned by way of exception, not by rule, and that too only where the party has acted bona fide and without negligence. Given that the object of both the Arbitration and Conciliation Act, 1996 and the Commercial Courts Act, 2015 is the speedy resolution of disputes, the expression 'sufficient cause' must be construed strictly. No such circumstances have been pleaded in the present appeal. It must also be borne in mind that even where sufficient cause is shown, condonation of delay is not a matter of right but lies within the discretion of the Court, to be exercised sparingly and in furtherance of the legislative object of expeditious adjudication.

In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months or years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

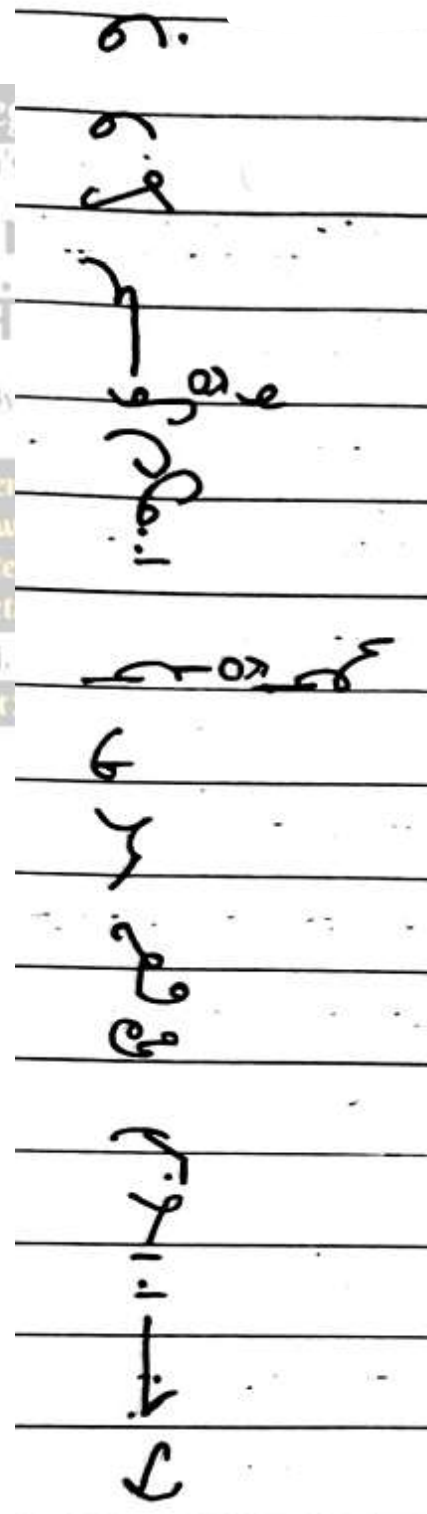
610 Words

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**Outlines of all highlighted words and phrases.
Adopt only those outlines which are better
than yours.**

similarly
similar
with respect to
Arbitrator
under Section
Arbitration
Conciliation
Act
Commercial Court
this Court,
analogy
proceedings
Civil Courts
impleaded
in such proceedings
Act
detailed
challenging



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award
instances,
it is the
which is the
subject matter
adjudication
before the Court
consequently
there is no
necessary
necessity
personally
unmindful
embarrassed
embraced
unnecessary
burden
unrepresented
cannot be
contesting respondents
lower Court
presiding Judge
Arbitral Tribunal
wholly
specific

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allegations

rare

delivered

functus officio

ordinarily

requirement

in the present case

this Court

sole

accordingly

array of parties

in the present

turning

it is well settled

expression

sufficient cause

Limitation Act

stretched

cover

inordinate

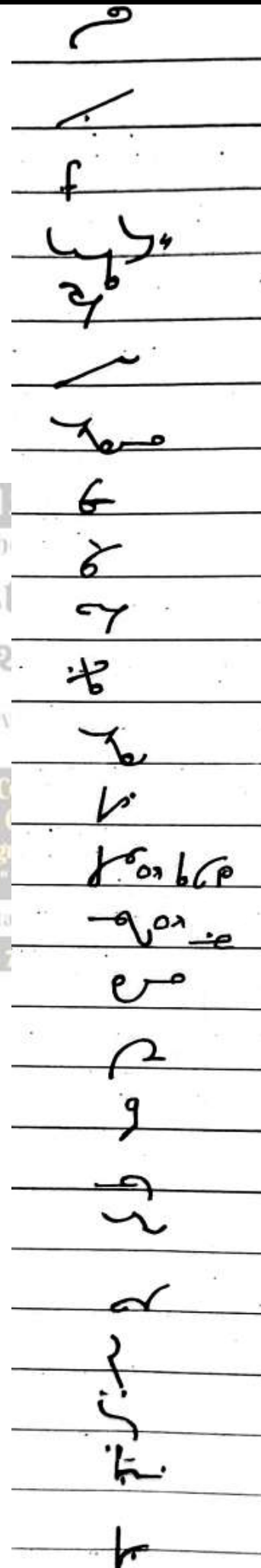
merely

establishing

confer

automatic

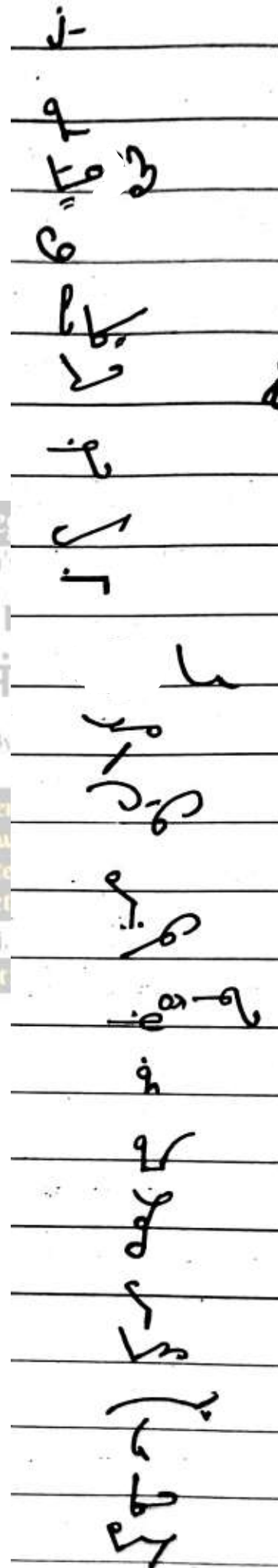
delay



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condoned
Supreme Court
Borse Brothers
v.
State of Bihar
by way of
exception,
where the
acted
bona fide
negligence
object
Arbitration and Conciliation
speedy
resolution
expression
construed
strictly
No such circumstances
pleaded
borne in mind
matter of right
within the
discretion
sparingly



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furtherance

legislative

expeditious

in our view

it is the

instrumentalities

reasonable

there is no need

usual explanation

procedural

red tape

process

government departments

obligation

ensure

diligence

commitment

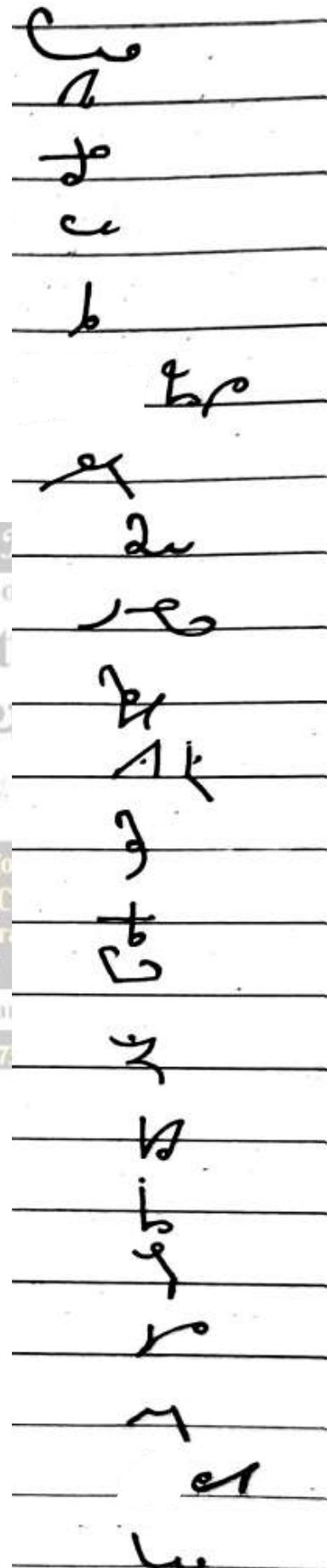
anticipated

shelters

should not be

swirled

benefit



(Increase your vocabulary:

Learn New and Important Words of the
Matter)

Keep revising all new words learned.

Legal/General Matter

1. **similarly:** (adverb) in the same way समान रूप से/इसी तरह
2. **similar:** (adjective) alike in characteristics समान/सदृश
3. **Arbitrator:** (noun) a person chosen to settle a dispute मध्यस्थ/पंच
4. **Arbitration:** (noun) the settlement of a dispute by an arbitrator मध्यस्थता/पंचाट
5. **Conciliation:** (noun) the process of settling a dispute amicably सुलह/मेल-मिलाप
6. **Commercial Court:** (noun) court dealing with business disputes वाणिज्यिक न्यायालय
7. **analogy:** (noun) a comparison between similar things समानता/तुलना

- 8.award:** (noun) a decision given by an arbitrator
निर्णय/पुरस्कार
- 9.instances:** (noun) (plural) examples or cases
उदाहरण/मामले
- 10.adjudication:** (noun) the process of making a legal judgment न्यायनिर्णयन
- 11.consequently:** (adverb) as a result
परिणामस्वरूप/इसलिए
- 12.personally:** (adverb) individually or in person
व्यक्तिगत रूप से
- 13.unmindful:** (adjective) not aware or not considering बेखबर/अनभिज्ञ
- 14.embarrassed:** (adjective) feeling awkward or ashamed शर्मिदा/असहज
- 15.embraced:** (verb) (past tense) accepted willingly
अपनाया/स्वीकार किया
- 16.unrepresented:** (adjective) without legal counsel
बिना वकील के
- 17.contesting respondents:** (noun phrase) parties who actively oppose in legal proceedings विरोधी प्रत्यर्थी

- 18. Arbitral Tribunal:** (noun phrase) panel of arbitrators मध्यस्थता न्यायाधिकरण
- 19. wholly:** (adverb) completely पूर्णतः/संपूर्ण रूप से
- 20. specific:** (adjective) clearly defined विशिष्ट/स्पष्ट
- 21. rare:** (adjective) uncommon दुर्लभ/विरल
- 22. delivered:** (verb) (past tense) given or handed over सुनाया गया/दिया गया
- 23. functus officio:** (Latin legal term) having discharged one's duty and lacking further authority कार्यमुक्त
- 24. ordinarily:** (adverb) usually सामान्यतः
- 25. sole:** (adjective) single or only एकमात्र/अकेला
- 26. accordingly:** (adverb) therefore तदनुसार/अतः
- 27. array of parties:** (noun phrase) list or arrangement of legal parties पक्षकारों की सूची
- 28. it is well settled:** (phrase) it is established law यह स्थापित है
- 29. expression:** (noun) phrase or term अभिव्यक्ति/पदावली
- 30. stretched:** (verb) (past participle) extended beyond normal limits विस्तारित किया गया

31.cover: (verb) to include शामिल करना

32.inordinate: (adjective) excessive अत्यधिक/बेहद

33.merely: (adverb) only or just केवल/मात्र

34.confer: (verb) to give or grant प्रदान करना

35.condoned: (verb) (past participle) forgiven or excused क्षमा किया गया

36.v.: (abbreviation) versus (in legal cases) बनाम

Accuracy Notes: All forms i.e. vs. v. versus, Vs. are correct. Prefer vs. or versus, which is more prevalent.

37.exception: (noun) something excluded from a rule
अपवाद

38.bona fide: (Latin legal term) in good faith सद्भावना से

Accuracy Notes: Type it as two words. However, you will find it one word too in legal matters.

39.negligence: (noun) failure to take proper care
लापरवाही

40.object: (noun) purpose or aim उद्देश्य

41.construed: (verb) (past participle) interpreted
व्याख्या की गई

- 42.strictly:** (adverb) in an exact manner कड़ाई से
- 43.pleaded:** (verb) (past participle) argued in court
दलील दी गई
- 44.borne in mind:** (phrase) remembered or
considered ध्यान में रखना
- 45.discretion:** (noun) freedom to decide as one thinks
fit विवेकाधिकार
- 46.sparingly:** (adverb) in limited amounts संयम से
- 47.furtherance:** (noun) advancement or promotion
आगे बढ़ाना
- 48.legislative:** (adjective) relating to making laws
विधायी
- 49.expeditious:** (adjective) quick and efficient
त्वरित/शीघ्र
- 50.instrumentalities:** (noun) (plural) means or agencies
साधन/एजेंसियां
- 51.procedural:** (adjective) relating to procedure
प्रक्रियागत
- 52.red tape:** (noun phrase) excessive bureaucratic
procedures नौकरशाही की बाधाएं
- 53.process:** (noun) series of actions प्रक्रिया

54.obligation: (noun) duty or responsibility दायित्व

55.ensure: (verb) to make certain सुनिश्चित करना

56.diligence: (noun) careful and persistent effort
परिश्रम/तत्परता

57.commitment: (noun) dedication or pledge प्रतिबद्धता

58.anticipated: (verb) (past participle) expected
पूर्वानुमानित

59.shelters: (verb) (third person singular) protects
आश्रय देता है

60.swirled: (verb) (past participle) twisted or
manipulated घुमाया गया/मरोड़ा गया

Accuracy Builder: Capitalization

Following words to be written in capital letters;

1. Proper Nouns - Institutional Names:

- **Arbitrator** - Capitalized when referring to specific arbitrator or the office/position
- **Commercial Court** - Proper noun referring to specific type of judicial institution

- **Court** (when referring to specific court) - Capitalized when referring to the specific court hearing the case
- **Arbitral Tribunal** - Proper noun referring to specific arbitration body
- **Supreme Court** - Proper noun, specific judicial institution
- **Sole Arbitrator** - Official title/position

2. Statutory/Legal References:

- **Section 34** - Specific provision in legislation
- **Section 37** - Specific provision in legislation
- **Section 5** - Specific provision in legislation
- **Arbitration and Conciliation Act, 1996** - Proper noun, official name of legislation
- **Commercial Courts Act, 2015** - Proper noun, official name of legislation
- **Limitation Act** - Proper noun, official name of legislation

3. Case Law Citations:

- **Borse Brothers v. State of Bihar** - Legal case names are treated as proper nouns
- **State of Bihar** - Proper noun, specific government entity

4. Personal Names:

- **Shri P.N. Gupta** - Proper noun, individual's name

6. Abstract Concepts (Legal Usage):

- **Act** - Capitalized when referring to specific legislation
- **Courts** - When referring to the judicial system as an institution

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