

Run By Shorthand Dictation Legal Matters

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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.**

Topic: Arbitration and Conciliation

14

Volume 1: Dictation No. 14

It is high time that the practice of impleading judicial officers, who dispose of civil proceedings, as parties to writ petitions under Article 226 of the Constitution of India or to Special Leave Petitions under Article 136 of the Constitution of India, is completely stopped. Such a practice is deprecated in the strongest terms.

It must therefore be understood that neither a Court nor a Tribunal, nor the Presiding Officer thereof, is required to defend its order before a superior Court. If the High Court, while exercising its appellate or revisional jurisdiction, calls for the records, such records can always be summoned without impleading the concerned Court or its Presiding Officer as a party. Courts and Tribunals merely adjudicate disputes between parties; they have no personal stake in the outcome and no concern with the issues raised or adjudicated, once their judgment has been pronounced. Hence, they are not required to defend their orders in any manner. Since there is no requirement of their defending the orders, no useful purpose is served in impleading them before appellate or revisional forums. On the contrary, such impleadment, far from serving any legitimate purpose, leads to embarrassment, dejection, and creates unwarranted hurdles in the independence of the Judiciary.

SSC/Court Skill Test Based Dictations: It covers all skill tests conducted by SSC etc including any Court (Supreme Court, High Court, District Courts, Tribunals, Law Firms).

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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.

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under Article

of the Constitution of India

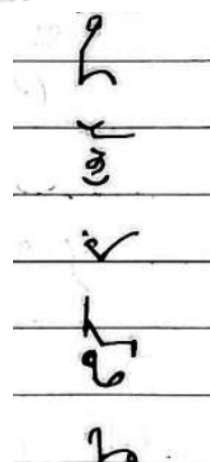
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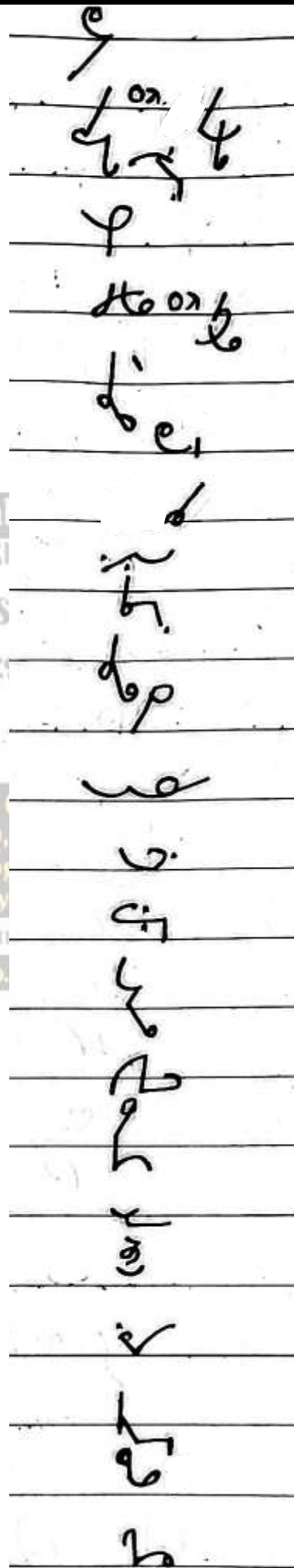
Total Words: 416
Important Outlines are below



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Civil Judge
Junior Division
impleaded
necessity
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judicial officers
disposed of
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it must therefore
defend
superior Court
revisional
jurisdiction,
calls for the
summoned
adjudicate
between parties
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embarrassment,
dejection,
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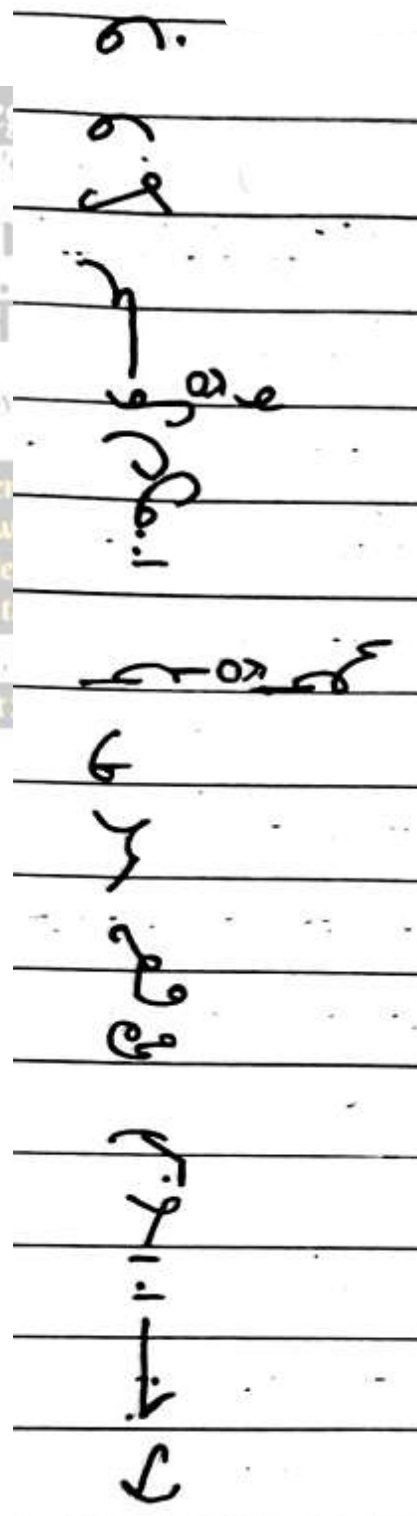
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**Outlines of all highlighted words and phrases.
Adopt only those outlines which are better
than yours.**

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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