



Arbitration with intervention of court

Answer Outline



Ali Husnain Shah

Q.1: Arbitration with intervention of court where there is no suit is pending.?

(2014 A),(2014 S)

1. INTRODUCTION:

The Arbitration Act 1940 deals with the dispute between the parties, who entered into an agreement of arbitration, should be decided by one or more person who are called to be judges in the said dispute and not by a regular or ordinary court of law.

The decision of the said arbitrator is binding upon the parties whether they agree to the decision either upon law or fact, If the award is good on the face of it.

All or any of the parties to an arbitration may apply under this section to court for intervention in the arbitration proceeding.

2. RELEVANT PROVISION.

Section 20 of arbitration Act 1940:

3. INTERPRETATION OF RELEVANT TERMS:

I. ARBITRATOR:

One with the power to decide dispute, such as a judge

II. ARBITRATION AGREEMENT:

Sec. 2 (a):

Arbitration agreement means a written agreement to submit present or future differences to arbitration' whether an arbitrator is named therein or not.

III. ARBITRATION:

IV. COURT:

4. KINDS OF ARBITRATION:

Following are the kinds of arbitration

- I. Arbitration with intervention of court.**
- II. Arbitration without intervention of court.**

5. ESSENTIALS CONDITIONS FOR APPOINTMENT OF ARBITRATION WITH INTERVENTION OF COURT:

6. PERSON WHO HAVE LOCUS STANDI:

- I. One or more the parties to agreement.**
- II. All the parties to agreement.**

7. PROCEDURE FOR APPOINTMENT OF ARBITRATION WITH INTERVENTION OF COURT:

I. APPLICATION BY PARTY:

A. CONTENTS OF APPLICATION:

- Application shall be writing.
- Application shall be numbered.
- Application shall be registered as a suit between the parties.

B. TIME LIMITATION FOR FILING AN APPLICATION:

ART. 181 OF LIMITATION ACT 1908

A. NOTA BENE:

An application cannot be made under this section if the arbitrator has already started arbitration proceedings or an award has already made.

[AIR 1915 ALL 369]

- II. DETERMINATION OF PARTIES:
- III. ISSUANCE OF NOTICE:
- IV. SHOW SUFFICIENT CAUSE:
- V. APPOINTMENT OF ARBITRATION:

8. ORDER OF REFERENCE BY THE COURT:

9. WHEN ORDER OF REFERENCE NOT COMMUNICATED TO
ARBITRATOR:

10. APPOINTMENT OF ARBITRATION BY THE COURT:

11. ARBITRATION WITH INTERVENTION AND SECTION 34:

12. REFERRING DISPUTE TO THE COURT WHERE NO SUIT IS
PENDING:

13. CONCLUSION: