




MODIFICATION OF AN AWARD
ANSWER OUTLINE



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Q. Modification of an award:

1. Introduction:

When the parties by consent substitute a forum of their own choice, they are bound by its decision, on question of fact and law, however erroneous they may be, and the court has ordinarily no power, to alter or vary the award. Under the circumstances, however the court may modify, correct, remit, or set aside an award. Award may be modified or corrected when the same falls within the scope of section 15 of arbitration act 1940.

2. Relevant provision:

Section 15 of arbitration act 1940 .

3. Interpretation of relevant terms:

I. Award:

Section 2(b)

“award means an arbitration award”

ii. Modification of an award.....connotation of.

4. Modes of modification of an award:

I. Suo motu

ii. On application

5. Time for filling an application:

6. Modification of the award:

I. General rule:

The general rule is that as the parties chose their own arbitrator to be judge in the dispute between them they cannot when the award is good on the face of it object to his decision upon law or on facts. **[air 1953 p c 66]**

ii. Exception:

Court may modify the award in such manner and to the extent described in this section.

[air 1930 lahore 26]

6. Court powers to modify award:

7. Cases where an award may be modified:

Following are the cases where an award may be modified

- i. When award is upon the matter not referred to the arbitration
- ii. When award is imperfect in form
- iii. When award contains any obvious error
- iv. When award contains clerical mistake
- v. When award contains an errors arising from an accidental slip or omission

8. Explanation of the cases:

I. When award is upon the matter not refer to the arbitration:

Ii. When award is imperfect in form:

Iii. When award contains obvious error:

Iii. Award contains clerical mistake:

a. Cross reference:

Second schedule of cpc 1908 paragraph 12(c):

Iv. Where award contains an error arising from an accidental slip or omission:

9. Effect of modification of award:

10. Appeal:

11. Second appeal:

No second appeal lies in such cases.

[air 1926 lah 26]

12. Conclusion: