

RULES UNDER ARBITRATION ACT, 1940

37 of 1956

[]

CONTENTS

1. .
2. .
3. .
4. .
5. .
6. .
7. .
8. .
9. .
10. .
11. .
12. .
13. .
14. .

RULES UNDER ARBITRATION ACT, 1940

37 of 1956

[]

In exercise of the powers conferred by Section 44 of the Indian Arbitration Act, 1940, the High Court of Karnataka hereby makes the following rules in supersession of all the rules in force by virtue of Section 119 of the State Reorganisation Act (Central Act XXXVII of 1956) in the different areas of the State and to have effect throughout the territories of the State.

1. . :-

These rules shall be called the Rules under the Arbitration Act, 1940 and shall come into force from the date of their publication in the Karnataka Gazette.

2. . :-

On coming into force of these rules, all existing rules, orders, circulars, practice, conventions or the like governing any matter

dealt with or covered by these rules shall stand repealed: Provided that this repeal shall not affect or invalidate anything done, any action or decision taken, any disposal made, any decree or order or proceeding made or issued under the existing rules before the commencement of these rules.

3. . :-

All applications and proceedings under the Arbitration Act, 1940, hereinafter called "the Act" shall be headed "In the matter of the Arbitration Act, 1940" and save as otherwise provided shall be in the form of a petition.

4. . :-

Every petition shall be in writing signed and verified in the manner prescribed for verification of pleadings under the Code of Civil Procedure, specifying the name, description and place of residence of the petitioner and the respondent and shall contain a statement of the material facts and the nature of the relief prayed for and shall specify the persons liable to be affected thereby.

5. . :-

(a) Every special case stated under Section 13(b) of the Act shall contain only a statement in a summary form of the material facts and points for the opinion of the Court.

(b) The Court shall issue notice to the parties and pronounce its opinion under Section 14(3) in open Court, after hearing the parties, if they appear and make their representations.

(c) It shall be the duty of the Arbitrators to have certified copies of such opinion added to and made part of the award.

6. . :-

(a) The Court may, on application by any party to an Arbitration Proceeding, make an order directing the Arbitrators to file their award into Court.

(b) When the Arbitrators have filed the award in Court by themselves or by direction of the Court, the Court shall cause notice of the filing of the award to be issued to the parties. The final hearing of the matter shall not be taken up on a date earlier than 30 days next after the completion of the service of notice on all the parties.

7. . :-

If any party interested in the award makes an application for setting aside the award within the time allowed for the purpose under the law, the application shall be registered as a suit, the applicant being treated as a plaintiff and the parties to the award other than the applicant being treated as defendants and the proceedings thereafter shall be continued as in the case of a suit.

8. . :-

If no application for setting aside the award is filed within the time allowed by law, the Court shall proceed as provided in Section 17 of the Act.

9. . :-

When the award or a signed copy of it is filed in Court under Section 14(2) of the Act, the arbitrator shall send to the Court any depositions or documents which have been taken and proved before him. He shall also file with the petition a copy of the notice given to the parties concerned and an affidavit of service of such notice.

10. . :-

The application under Section 20(1) of the Act shall be numbered and registered as a suit and shall be accompanied by an Arbitration Agreement in Original or a copy thereof.

11. . :-

The proceedings registered as suits shall be designated Arbitration Suits and all provisions of Civil Procedure Code applicable to suits shall as far as may apply to such proceedings.

12. . :-

Without prejudice to the express provision as to issue of notice contained in the Act or these rules, the Court shall, in all proceedings under the Act, direct notice of the petition to be given to all persons mentioned therein and to such other persons as may seem to it 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.

13. . :-

In respect of matters not provided for in the foregoing rules or in the Act, the provisions of the Code of Civil Procedure, Civil Rules of Practice and the Circular orders issued by the High Court from time

to time shall mutatis mutandis apply to all proceedings before the Court and to all appeals under the Act.

14. . :-

The Forms in the Appendix shall be used for the respective purposes therein mentioned with such variations as circumstances of each case may require.