

## CHAPTER XLIII

### **RULES UNDER THE FOREIGN AWARDS (RECOGNITION AND ENFORCEMENT) ACT, 1961 (ACT No. 45 of 1961)**

**797. Title of applications etc** – All applications, affidavits and proceedings under the Foreign Awards (Recognition and Enforcement) Act, 1961 (hereinafter in this chapter referred to as the “Act”) shall be intituled in the matter of the Arbitration.

**798. Mode of application** – Applications under section 3 and 5 of the Act shall be made by petition which shall be presented to the Judge in Chambers.

**799. Contents of petition** – Every petition shall be divided into paragraphs, numbered consecutively and shall contain in a concise form a statement of the material facts relied on and the nature of the relief asked for and shall specify the persons liable to be affected thereby.

**800. Stay of proceedings under section 3 of the Act** – Upon an application for stay of proceedings under section 3 of the Act being filed, the Judge in Chambers shall direct notice to be given to the other parties to the proceedings, requiring them to show cause, within a time specified, why the order should not be made, unless the Judge is satisfied that the object of the application would be defeated by the delay occasioned by the notice.

**801. Enforcement of foreign award. Documents to be produced with petition** - The party seeking to enforce a foreign award shall produce with his petition:

(a) the document specified in section 8 (1) of the Act, and where such document is in a foreign language, a translation thereof into English certified in the manner prescribed in sub-section (2) of the said section 8;

(b) the original agreement for arbitration, or an authenticated copy thereof, and when the same is in a foreign language, a translation thereof into English certified in the manner prescribed in sub-section (2) of the said section 8;

(c) an affidavit or affidavits showing

- (1) that the said agreement was valid under the law by which it was governed,
- (2) that the award was made by the Tribunal provided for in the agreement or constituted in the manner agreed upon by the parties,
- (3) that it was made in conformity with the law governing the arbitration procedure; and
- <sup>1</sup>[(4) that it had become binding on the parties in the country in which it was made; and]

(d) other documents, if any, in support of his application.

[1. Rule801\(c\)\(4\) was inserted by G.N.No.2419,dated.27.3.1991, pub.in M.G.G, Pt. IV-Ka,p.170-173.](#)

**802. Procedure to be followed in case of non-production of documents with petition.** - If the application under section 5 of the Act be presented without the document specified in rule 801(a), it shall forthwith be returned to the party presenting it. If such application is not accompanied by the documents specified in rule 801 (b) and (c) the Judge may allow, time to file such documents.

**803. Code of Civil Procedure and High Court Original Side Rules to apply.** – In case not provided for in the rules contained in this chapter, the provisions of the Code of Civil Procedure, 1908, and the rules of the Court in suits and matters on the Original Side of the Court shall, with any necessary modifications, apply to all proceedings before the Court and to all appeals under the Act. In case of inconsistency between the Provisions of the Code of Civil Procedure and the rules of the Court referred to herein, the said rules of the Court shall prevail.

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