



May 2026

## **Legal representatives of a deceased party can avail the statutory remedy under Section 34 of the Arbitration and Conciliation Act, 1996**

In the case of *V K John vs. S. Mukanchand Bothra and Huf (Died)*<sup>1</sup>, the Supreme Court of India (“**Supreme Court**”) held that the legal representatives of a deceased party are entitled to challenge the arbitral award under Section 34<sup>2</sup> of the Arbitration and Conciliation Act, 1996 (“**Arbitration Act**”). It was held that legal representatives cannot seek relief under Section 115<sup>3</sup> of the Civil Procedure Code, 1908 (“**CPC**”) or Article 227<sup>4</sup> of the Constitution of India (“**Constitution**”) in view of the available statutory remedy under Section 34 of the Arbitration Act.

### **Brief facts**

In 2007, Mr. Appu John (“**Deceased**”), the alleged paternal uncle of the appellant, entered into a Deed of Agreement for the sale (“**Sale Deed**”) of suit property with respondent no.1. Upon the demise of the deceased, respondent no.1 initiated arbitration against respondent no.2, alleged legal representative of the Deceased, alleging violation of the Sale Deed.

Subsequently in 2011, an arbitral award was passed in favour of respondent no.1, directing respondent no.2 to execute the Sale Deed. The appellant found out about the arbitration in 2012 and sought impleadment in the pending execution petition.

The appellant, claiming to be a legal representative of the Deceased, assailed the arbitral award before the Hon’ble Madras High Court under Article 227 of the Constitution. The High Court dismissed the petition in view of the statutory remedy available under Section 34 of the Arbitration Act. Aggrieved thereby, the appellant preferred the present appeal.

The appellant contended that by way of a partition suit, he was decreed 1/3<sup>rd</sup> of the subject property. However, the appellant was not a party to the arbitration thus he can’t avail remedy under Section 34 of the Arbitration Act.

*Per Contra*, respondent no.3 relying on the judgments of *Bhaven Construction vs. Executive Engineer, Sardar Sarover*

<sup>1</sup> 2026 INSC 2023 (decided on April 20, 2026)

<sup>2</sup> Section 34 of the Arbitration Act deals with grounds of challenge to set aside an arbitral award on specific grounds of incapacity of a party, excess of jurisdiction, patent illegality, invalidity of arbitration agreement. The provision doesn’t permit a review of merits of the arbitration award.

<sup>3</sup> Section 115 of the CPC provides revisional jurisdiction to High Courts in respect of any case decided by subordinate court where no appeal lies and permits interference only where the subordinate court has exercised jurisdiction in excess, failed to exercise jurisdiction vested in it by law, or exercised jurisdiction illegally or with material irregularity.

<sup>4</sup>Article 227 of the Constitution provides for supervisory jurisdiction to High Courts over subordinate courts and tribunals in its jurisdiction.

*Narmada Nigam Limited and Anr.*<sup>5</sup> and *Ravi Prakash Goel vs. Chandra Prakash Goel*<sup>6</sup> contended that the Arbitration Act is a complete code.

## Issue

Whether the appropriate remedy for a legal representative of a deceased party against an arbitral award exclusively lies under Section 34 of the Arbitration Act?

## Findings and analysis

The Supreme Court dismissed the present appeal and held that the appropriate relief for a legal representative of the deceased party lies only under Section 34 of the Arbitration Act and not under Section 115 of the CPC or under Article 227 of the Constitution for the following reasons:

1. the Arbitration Act is a self-contained code and is made with the objective of consolidating laws pertaining to domestic arbitration, international arbitration and enforcement of foreign arbitral awards;
2. the term 'legal representative' under Section 2(1)(g) of the Arbitration Act includes "*any person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased, and, where a party acts in a representative character, the person on whom the estate devolves on the death of the party so acting*". Therefore, the Arbitration Act does not envision arbitration proceedings to cease with the death of a party.
3. Reliance was placed on Section 35<sup>7</sup> and Section 40<sup>8</sup> of the Arbitration Act to state that Arbitration proceedings continue post death of a party, therefore it is not unique for the legal representatives of a party to step into the shoes of the deceased. The arbitration clause would continue to bind all the concerned parties thereafter.
4. Reliance was also placed on the case *Ravi Prakash Goel vs. Chandra Prakash Goel*<sup>9</sup> wherein the legal representatives of a deceased partner of a partnership firm were permitted to initiate arbitration. As a natural corollary, the statutory right to challenge an arbitral award, available under the Arbitration Act will also extend to the legal representatives of the concerned parties.
5. It was held that legal representatives of a deceased party cannot be expected to fulfil the arbitral award without being presented with an available statutory remedy to challenge the said arbitral award. In view thereof, the appellants were permitted to exercise their remedies under the Arbitration Act alone.

## Conclusion

The Supreme Court's findings reinforce the principle that the Arbitration Act is a complete and exclusive code. This decision advances the primacy of the available statutory remedy under Section 34 of the Arbitration Act. It offers legal representatives, who are not party to the arbitration proceedings, a solution to challenge the findings of an arbitral award within the realms of the Arbitration Act itself. The abovementioned findings flow from the natural corollary that merely because an arbitral award is passed against a party, its legal representatives cannot be compelled to comply with the arbitral award merely because of their status as legal representatives.

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<sup>5</sup> (2022) 1 SCC 75

<sup>6</sup> (2008) 13 SCC 667

<sup>7</sup> Section 35 of the Arbitration Act states that an arbitral award will be final and binding on the parties claiming under them respectively.

<sup>8</sup> Section 40 of the Arbitration Act states that an arbitration agreement will not be discharged by the death of any party and will be enforceable by or against the legal representative of the deceased.

<sup>9</sup> (2008) 13 SCC 667

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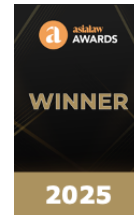
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