

Legal Representatives Must Challenge An Arbitral Award Under Section 34 And Not Under Article 227: Supreme Court

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Introduction

In *V.K. John v. S. Mukanchand Bothra and HUF (Died) Represented by LRs. & Ors. [2026 INSC 393]*, the Supreme Court considered whether a legal representative aggrieved by an arbitral award can challenge the award under Article 227 of the Constitution of India or Section 115 of the Code of Civil Procedure, 1908, instead of taking recourse to Section 34 of the Arbitration and Conciliation Act, 1996.

The Supreme Court held that the appropriate remedy for a legal representative seeking to challenge an arbitral award is under Section 34 of the Arbitration Act. The Supreme Court reiterated that the Arbitration Act is a complete code and that judicial interference outside the statutory framework of Section 34 must be exercised only in exceptional cases.

The decision clarifies that where a legal representative claims through or under a deceased party, such legal representative steps into the shoes of the deceased for the purposes of the Arbitration Act. Therefore, if an arbitral award can bind or be enforced against a legal representative, the corresponding right to challenge the award under Section 34 must also be available.

In this article, we navigate through the facts of the case and the findings rendered by the Supreme Court.

Brief Facts

The dispute arose from an agreement for sale dated 20 April 2007 concerning the subject property. After the original party to the agreement passed away, arbitration was initiated against a person described as his legal representative. An arbitral award dated 21 February 2011 was passed directing execution of the sale deed. Execution proceedings were thereafter initiated.

The appellant claimed that he came to know of the arbitration proceedings only later. His case was that he had a substantial claim over the subject property and that the person against whom arbitration had been initiated was wrongly projected as the legal representative of the deceased party.

The appellant challenged the arbitral award by filing a civil revision petition before the High Court under Article 227 of the Constitution. The High Court dismissed the petition, holding that since the appellant claimed to be a legal representative

of the deceased party, his remedy would lie under the Arbitration Act and not under Article 227.

Aggrieved by the order of the High Court, the appellant approached the Supreme Court.

Arguments from Both Sides

The appellant contended that he had not been made a party to the arbitral proceedings and had not been heard before the award was passed. It was submitted that since he was not a party to the arbitration, he could not challenge the award under Section 34 of the Arbitration Act.

On this basis, the appellant argued that the only remedy available to him was to invoke the supervisory jurisdiction of the High Court under Article 227 of the Constitution.

On the other hand, it was contended that the appellant's own case was that he was the legal representative of the deceased party. Therefore, if the appellant claimed through the deceased party and represented the estate, the appropriate remedy was to challenge the arbitral award under Section 34 of the Arbitration Act.

Reliance was placed on ***Bhaven Construction v. Executive Engineer, Sardar Sarovar Narmada Nigam Limited and Anr. [(2022) 1 SCC 75]*** and ***Ravi Prakash Goel v. Chandra Prakash Goel [(2008) 13 SCC 667]*** to submit that the Arbitration Act provides the proper statutory mechanism and that legal representatives are bound by, and entitled to enforce, arbitration agreements.

Findings of the Supreme Court

The Supreme Court dismissed the appeal and affirmed the order of the High Court.

The Supreme Court held that the appropriate remedy for a legal representative seeking to challenge an arbitral award is under Section 34 of the Arbitration Act, and not under Article 227 of the Constitution or Section 115 of the CPC.

The Supreme Court first reiterated that the Arbitration Act is a complete code. Section 34 provides the grounds and procedure for setting aside an arbitral award. The Supreme Court emphasised that recourse against an arbitral award may be made only by an application under Section 34.

The Supreme Court referred to ***Bhaven Construction (supra)***, where it had been held that judicial interference beyond the procedure provided under the Arbitration Act must be exercised only in exceptional rarity. Such interference

may be justified where a party is left remediless under the statute or where clear bad faith is shown. The Supreme Court held that this high threshold is consistent with the legislative intention of making arbitration fair and efficient.

The Supreme Court then considered whether the expression "party" in Section 34 would include legal representatives claiming under a deceased party. The Supreme Court referred to Section 2(1)(g) of the Arbitration Act, which defines "legal representative" as a person who in law represents the estate of a deceased person.

The Supreme Court noted that the Arbitration Act does not contemplate that arbitral proceedings come to an end upon the death of a party. Section 35 makes an arbitral award binding not only on parties but also on persons claiming under them. Section 40 further provides that an arbitration agreement is not discharged by the death of a party and remains enforceable by or against the legal representative of the deceased.

On this basis, the Supreme Court held that legal representatives step into the shoes of the deceased party for the purposes of the Arbitration Act.

The Supreme Court also referred to ***Rahul Verma and Ors. v. Rampat Lal Verma and Ors.* [2025 SCC OnLine SC 578]**, where legal heirs of a deceased party were permitted to invoke arbitration on the ground that they had stepped into the shoes of the deceased. The Supreme Court also relied on ***Ravi Prakash Goel (supra)***, where it had been held that an arbitration agreement is enforceable by or against the legal representatives of a deceased party, provided the right to sue survives.

The Supreme Court held that if an arbitral award can be made enforceable against the legal representatives of a deceased party, the right to challenge such award under the Arbitration Act must also flow to them. Denying such a right would defeat the object of the Arbitration Act and its character as a self-contained code for dispute resolution.

The Supreme Court also rejected the appellant's inconsistent stand. The appellant could not, on the one hand, claim to be the legal representative of the deceased party and, on the other hand, contend that he did not represent the estate of the deceased party.

Accordingly, the Supreme Court held that the High Court was correct in holding that the appellant's remedy lay under the Arbitration Act. However, the Supreme Court clarified that the appellant would be permitted to exercise his remedies under the Arbitration Act and that any such petition would be decided on its own merits. The Supreme Court also directed that limitation for filing such petition would run from the date of the Supreme Court's judgment.

Comment

The judgment in **V.K. John (supra)** clarifies the remedy available to legal representatives who seek to challenge an arbitral award. The Supreme Court has reaffirmed that the Arbitration Act is a self-contained code and that challenges to arbitral awards must ordinarily be brought within the statutory framework of Section 34. A party cannot bypass Section 34 by invoking Article 227 of the Constitution merely because such party was not formally arrayed in the arbitral proceedings, if that party claims as a legal representative of a deceased party.

The decision also ensures symmetry in arbitral law. If legal representatives can be bound by an arbitration agreement and by an arbitral award, they must also have the corresponding statutory right to challenge that award.

The judgment further reinforces the continuity of arbitration despite the death of a party. Sections 35 and 40 of the Arbitration Act ensure that arbitral rights and liabilities do not automatically perish with death. Legal representatives claiming through the deceased party may therefore be bound by the arbitration agreement and the resulting award, but they may also invoke the remedies available under the Arbitration Act.

The decision is also a reminder that constitutional or revisional jurisdiction cannot be used as a substitute for the statutory mechanism under the Arbitration Act. The exception recognised in **Bhaven Construction (supra)** remains narrow and applies only in cases of exceptional rarity.

The judgment therefore strengthens procedural discipline in arbitration while ensuring that legal representatives are not left remediless.

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