

Westlaw

Miss. Code Ann. § 11-15-133

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West's Annotated Mississippi Code Currentness

Title 11. Civil Practice and Procedure

▣ Chapter 15. Arbitration and Award

▣ Arbitration of Controversies Arising from Construction Contracts and Related Agreements (Refs & Annos)

→ § 11-15-133. Vacation of award

(1) Upon application of a party, the court shall vacate an award where:

(a) The award was procured by corruption, fraud or other undue means;

(b) There was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct prejudicing the rights of any party.

The fact that the relief was such that it could not or would not be granted by a court of law or equity is no ground for vacating or refusing to confirm the award.

(2) An application under this section shall be made within ninety (90) days after receipt of a copy of the award to the applicant, except that, if predicated upon corruption, fraud or other undue means, it shall be made within ninety (90) days after such grounds are known or should have been known.

(3) In vacating the award on such grounds, the court may order a rehearing before new arbitrators chosen as provided in the agreement or provision for arbitration or, in the absence thereof, by the court in accordance with section 11-15-107. The time within which the agreement or provision for arbitration requires the award to be made is applicable to the rehearing and commences from the date of the order.

(4) If the application to vacate is denied and no motion to modify or correct the award is pending, the court shall confirm the award.

CREDIT(S)

Laws 1981, Ch. 495, § 17, eff. July 1, 1981.

Current through End of the 2008 Regular Session and 1st Ex. Session

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