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% 09.09.2009

Present: Mr. S.K. Jain, Advocate for the Decree Holder.

+Ex.P. No.220/2009.

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Execution is sought of an arbitral award under the 1996 Act, stated to be having the force of a decree. The total claims before the arbitrator were for less than the minimum pecuniary jurisdiction of this court. As such, the court within the meaning of Section 2 (e) of the 1996 Act where this execution would lie would not be this court. The counsel for the decree holder however states that since the respondent/judgment debtor had filed a petition under section 14 (2) of the 1940 Act with respect to the said award in this court, being CS(OS) No.1579A/2008, this could would have jurisdiction.

CS(OS) No.1579A/2008 was dismissed being misconceived. Even otherwise Section 42 of 1996 Act applies where any application under the 1996 Act has been filed in this court. Admittedly CS(OS) No.1579A/2008 was not an application under the 1996 Act. Thus this court would not get jurisdiction for the reasons stated.

Accordingly, the execution is dismissed with liberty to the decree holder to apply for execution before the competent court. The original documents filed along with this petition be returned to the decree holder in accordance with the rules.

RAJIV SAHAI ENDLAW,J

September 9th, 2009
PP

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