

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4203 of 2015

Kotak Mahindra Bank Ltd.,
Rep. By its Authorized Signatory
2nd Floor, 3Dass India Tower
2nd Line Beach, Parrys
Chennai – 600 001

Rep. By its Deputy Manager
Mr.Judis Glaston
No.1054/33, 2nd Floor
Goutham Centre Annexe
Avinashi Road
Coimbatore – 641 018

... Petitioner

v.

1.Meenakshi
2.Murugan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 27.07.2015 made in E.P.S.R.No.12892 of 2015 in A.C.P.(Kotak) No.390 of 2012 on the file of Principal District Judge, Coimbatore, Coimbatore District.

For Petitioner : Mr.G.Veeraraghavan

O R D E R

Challenging the order passed in E.P.S.R.No.12892 of 2015 in A.C.P.(Kotak) No.390 of 2012 on the file of Principal District Court, Coimbatore, the decree holder has filed the above Civil Revision Petition.

2. The only point that arise for consideration in this Civil Revision Petition is with regard to jurisdiction of the Principal District Court, Coimbatore for entertaining the Execution Petition filed in the arbitration proceeding in A.C.P.(Kotak) No.390 of 2012.

3. According to the petitioner, the District Court has jurisdiction to entertain the Execution Petition. In spite of the fact that the value of the award is only Rs.1,60,082/-, the District Court returned the Execution Petition for want of jurisdiction stating that under section 36 of the Arbitration Act, if the value of the award is less than Rs.1,00,000/-, the same should be filed before the Court of Junior Civil Judge; if the value of the award is more than Rs.1,00,000/- does not exceed Rs.10,00,000/-, it should be filed before the Court of Senior Civil Judge; and if the value of the award is more than Rs.10,00,000/-, should be filed before the Execution Petition before the District Judge or Additional District Judge if it is assigned to such Additional District Judge.

4. The order passed by the Principal District Court is just and proper. In these circumstances, I do not find any error or irregularity in the order passed by the Principal District Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. No costs.

25.11.2015

Index : Yes/No

Note : The Registry is directed to return the original Execution Petition to the learned counsel for the petitioner.

Rj

To

The Principal District Court,
Coimbatore

M. DURAISWAMY,J.,

Rj

C.R.P.(NPD)No.4203 of 2015

25.11.2015