

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

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C.R.P.No.2832 of 2015

Between:

G.K. Lakshmana Swamy and another

.. Petitioners

and

M/s. Citycorp Finance (India) Ltd.

.. Respondent

DATE OF JUDGMENT PRONOUNCED: July 20, 2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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CIVIL REVISION PETITION No.2832 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This revision petition, under Section 115 of the Code of Civil Procedure, 1908, is filed aggrieved by the order, dated 30.06.2015, passed in E.P.No.59 of 2014 in C.P.KSGCCFIL/2/2009 by the Principal District Judge, Kurnool.

To execute the Award passed under Arbitration and Conciliation Act, the aforesaid E.P. was filed by the respondent – decree holder, represented by its General Power of Attorney (GPA) holder. In the said E.P., petitioners – judgment debtors filed objections, but the executing Court, by overruling such objections, has passed the impugned order directing to attach the E.P. schedule property by issuing notice under Rule 43 C.P.C.

Heard learned counsel for the petitioner.

From a perusal of the impugned order, it is clear that the petitioners have raised two objections in the counter filed in the E.P.. The first objection is that the GPA holder is not entitled to file a petition to enforce the Award and the second objection is that though the petitioners have made payments after passing of the Award, the same were not taken into account.

Even in the present revision petition, petitioners have raised the same objections, which are advanced before the executing Court. With regard to the first objection i.e., filing of E.P. by the GPA holder, it is for the respondent - decree holder to appoint whomsoever he intends as a GPA holder to execute the decree. So long as the GPA executed by the respondent in favour of the GPA holder is in force, it is not open for the petitioners to take such objection. With regard to the second objection, except stating in the counter filed in the E.P. that the petitioners have made some payments after passing of the Award and the same were not accounted properly, no material is placed on record in proof of payment of any amounts after passing of the Award. In that view of the matter, we are of the view that the executing Court has rightly overruled the objections raised by the petitioners and passed the impugned order. Hence, we do not find any merit in this revision petition, so as to interfere with the impugned order.

Accordingly, the revision petition is dismissed. Miscellaneous Petitions, if any, pending in this revision petition shall stand closed. No costs.

R. SUBHASH

REDDY, J

NARAYANA, J

July 20, 2015

MD

A. SHANKAR