

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

CIVIL REVISION PETITION No.4513 of 2015

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

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, is filed by the petitioners/Judgment Debtors aggrieved by the order dated 31.08.2015 in E.P.No.68 of 2014 in A.C.No.485 of 2012 passed by the Principal Senior Civil Judge, Kovvur, West Godavari District, allowing the Execution Petition filed under Order 21 Rules 37 and 38 of C.P.C., praying the Court to realize the E.P. amount by ordering arrest of the judgment debtors by committing them to civil prison.

2. When the matter is called for hearing, it is submitted by the learned counsel for the respective parties that the subject matter of this civil revision petition is squarely covered to be allowed as per the orders in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015, wherein this Court has ruled that the Courts of Senior Civil Judge are incompetent to entertain Execution Petitions filed under Section 36 of the Arbitration and Conciliation Act, 1996 and only the Courts of District Judge are having power to entertain Execution Petitions in view of the definition of '*Court*' as envisaged under Section 2(1)(e) of the said Act.

3. In view of the said submission and having regard to the reasons assigned by this Court in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015, this Civil Revision Petition is allowed, setting aside the impugned order dated 31.08.2015. However, it is open to the respondent/Decree Holder to file an appropriate petition before the Court concerned for execution of the Award dated 29.09.2012 in

A.C.No.485 of 2012. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

09.12.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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