

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

CIVIL REVISION PETITION No.3772 of 2015

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

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the petitioners/plaintiffs aggrieved by the order and decree dated 03.07.2015 in I.A.No.1357 of 2014 in A.S.S.R.No.3701 of 2014 passed by the IX Additional District Judge, Kovvur, West Godavari District, dismissing the application filed by them under Section 5 of the Limitation Act, to condone the delay of 1054 days in filing appeal in A.S.S.R.No.3701 of 2014 to set aside the award passed by the sole Arbitrator on 30.12.2011 in A.C.No.597 of 2011.

2. Heard learned counsel for the petitioners/plaintiffs and perused the material on record.

3. Against the Award dated 30.12.2011 in A.C.No.597 of 2011 passed by the Sole Arbitrator under Section 37 of the Arbitration and Conciliation Act, 1996, (for brevity "the Act"), the petitioners/plaintiffs have filed appeal being A.S.S.R.No.3701 of 2014 to set aside the award along with an application under Section 5 of the Limitation Act. The Court below dismissed the said application through the impugned order dated 03.07.2015, mainly on the ground that no appeal lies against the Award passed by the Sole Arbitrator under Section 37 of the Act and further Section 5 of the Limitation Act is also not applicable.

4. Even before this Court, it is not disputed that appeal is

filed against the Award passed by the Sole Arbitrator along with an application to condone the delay of 1054 days in filing appeal. If the petitioners/plaintiffs are aggrieved by the Award, the only remedy available to them is to question the Award under Section 34 of the Act, but against the Award passed under Section 37 of the Act, the question of filing appeal would not arise, so also Section 5 of the Limitation Act is not applicable. Therefore, the Court below has rightly dismissed the application filed by the petitioners/plaintiffs under Section 5 of the Limitation Act, to condone the delay of 1054 days in filing appeal.

5. In view of the reasons assigned by the Court below, we do not find any merit in this civil revision petition, warranting interference by this Court.

6. Accordingly, this Civil Revision Petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

27.10.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY
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27.10.2015
Msr