

**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.2383 of 2015

Between:

D. Rama Dasu

.. Petitioner

and

M/s. Shriram City Union Finance Ltd.

.. Respondent

DATE OF JUDGMENT PRONOUNCED: July 23,
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 | Yes/No |

see the fair copy of the Judgment?

**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.2383 OF 2015

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

This revision petition, under Section 115 of the Code of Civil Procedure, is filed aggrieved by the issuance of Sale Notice, dated 25.04.2015, in E.P.No.27 of 2014 in O.S.No.55 of 2013 by the Principal District Judge, Khammam, to execute the award passed by the Arbitrator under Arbitration and Conciliation Act.

Heard learned counsel for the petitioner and also the learned counsel for respondent.

In view of the dispute between the parties, one Sri T. Sundara Ramaiah, resident of Himayathnagar, Hyderabad, was appointed as sole Arbitrator and he has passed the Award in favour of respondent – Company. Aggrieved by the same, petitioner has filed O.P.No.2111 of 2013 before the Chief Judge, City Civil Court, Hyderabad, and the same is pending consideration.

In this revision petition, it is the grievance of the petitioner that when the O.P. filed by the petitioner is pending consideration, it is not open to the respondent to execute the Award passed by the Arbitrator and in spite of

the same, the impugned notice was issued.

The impugned notice reads as under:

“ ...

To: (Judgment-Debtor)
D. Ramadasu S/o. Somla
R/o.H.No:-1-306, Main Road, Kalluru (V &
M),
Khammam (D).

WHEREAS in the above mentioned ARB
55/13 the Decree-holder has applied for the
sale of Schedule mentioned properties you are
hereby informed that the day of 24-06-2015
has been fixed for settling the terms of
proclamation of sale.”

It is not in dispute that the O.P. filed by the petitioner
against the Award passed by the Arbitrator is pending
consideration. Hence, it is not open to the respondent to
execute the Award passed by the Arbitrator.

For the aforesaid reasons, the revision petition is
disposed of with a direction to the respondent not to
proceed further in E.P.No.27 of 2014 till the disposal of
O.P.No.2111 of 2013 pending on the file of Chief Judge,
City Civil Court, Hyderabad.

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

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

July 23, 2015

MD