

**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.3881 OF 2015
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ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This revision petition, under Section 115 of the Code of Civil Procedure, 1908, is filed by Judgment Debtor No.3 aggrieved by the order, dated 07.08.2015, passed in E.P.No.23 of 2015 in Arbitration Case No.1946 of 2013 by the Junior Civil Judge, Adilabad.

When the matter is called for hearing, it is submitted that the subject matter of this revision petition is squarely covered by the judgment of this Court in C.R.P.No.1340 of 2015 and 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.

In that view of the matter and having regard to the reasons assigned by this Court in the order, dated 01.10.2015, passed in C.R.P.No.1340 of 2015 and batch, this Civil Revision Petition is allowed setting aside the impugned order, dated 07.08.2015. However, it is open to the respondent - decree holder to file Execution Petition

before appropriate Court, which shall be considered on its own merits. Further, if any amount is recovered pursuant to the impugned order, it is open to the respondent – decree holder to appropriate such amount against the Award passed in Arbitration Case No.1946 of 2013.

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

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

December 21, 2015

MD