

HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA
CIVIL REVISION PETITION No.2322 OF 2015

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

This Civil Revision Petition is filed by the petitioners – Judgment Debtors in E.P. No.136 of 2014 in Arb. No.1577 of 2012 on the file of the Principal Senior Civil Judge, Mancherial (for short 'Execution Court'), aggrieved of the order, dated 24-04-2014, in E.P. No.136 of 2014.

2. According to the petitioners, the Award, dated 09-12-2013, passed by the Arbitrator appointed to solve the dispute between the petitioners and the respondent, has become final. To execute the award, the respondent – Decree Holder filed E.P. No.136 of 2014 under Order XXI, Rule 48 of the Civil Procedure Code, 1908 (for short 'CPC') seeking attachment of salaries of the petitioners – Judgment Debtors, on 07-04-2014. The Execution Court, by order, dated 24-04-2014, passed the impugned order of attachment of salaries of the petitioners.

3. Aggrieved by the order, dated 24-04-2014, in E.P. No.136 of 2014, passed by the Execution Court, the petitioners preferred the instant revision.

4. Heard Sri T. Koteeshwara Prasad, learned counsel for the petitioners, and Sri K. Maheswara Rao,

learned counsel for the respondent.

5. It is contended by the learned counsel for the petitioners that without issuing prior notice to the petitioners and without assigning any reasons, the Execution Court passed the impugned order, which is contrary to law.

6. We have perused the award, impugned order and the material on record.

7. The Arbitrator passed the Award on 09-12-2013. It is pertinent to note that as per the provisions under the Arbitration and Conciliation Act, 1996, award passed by the Arbitrator itself is a decree. For execution of the said award, the respondent filed E.P. No.136 of 2014 under Order XXI Rule 48 of CPC seeking attachment of salaries of the petitioners on 07-04-2014, which is within two years of the award, as such, issuance of notice is not necessary as per the provisions of Order XXI Rule 22 of CPC, when an application for execution is made within two years of the decree. Hence, the contention of the learned counsel for the petitioners that issuance of prior notice before passing the impugned order is unsustainable.

8. The next contention of the learned counsel for the petitioners that no reasons are recorded by the Execution Court in passing the impugned order, which is

contrary to sub-rule (2) of Order XXI Rule 22 CPC, is also unsustainable, since the said provision contemplates to record the reasons, that too for non-issuance of notice, where an application is made more than two years of the decree. Thus, the revision is devoid of merit.

9. Therefore, the Civil Revision Petition is dismissed. No order as to costs.

10. As a sequel, miscellaneous applications, if any, pending in this revision stand closed.

**R. SUBHASH
REDDY, J**

A. SHANKAR NARAYANA, J

June 26, 2015.
Mgr