

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

CIVIL REVISION PETITION No.3407 of 2015

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

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the petitioner/Judgment Debtor No.2, aggrieved by the order dated 20.07.2015 in E.P.No.28 of 2015 in A.O.P.No.40 of 2013 passed by the Principal Senior Civil Judge, Narasaraopet, Guntur District, allowing the application filed by respondent No.1/Decree holder under Order 21 Rules 54, 66 and 64 of C.P.C., to realize the award amount by attachment and sale of E.P. Schedule property.

2. While issuing notice before admission, by order dated 24.08.2015, this Court granted interim stay, as prayed for, on condition of the petitioner/Judgment Debtor No.2 depositing half of the E.P. amount within a period of six weeks from the said date and it is represented that the said amount is already deposited.

3. When the matter is called for hearing, it is submitted by the learned counsel for petitioner/Judgment Debtor No.2 that the issue involved in this revision is squarely covered by the orders in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015, wherein this Court, while dealing with identical issue, 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 (for brevity "the Act") 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 Act.

4. Following the judgment in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015, and in view of the reasons mentioned therein, this Civil Revision Petition is allowed, setting aside the impugned order dated 20.07.2015. As it is represented that the amount has already been deposited pursuant to the interim order dated 24.08.2015, it is open to the 1st respondent/Decree holder to adjust the said amount towards loan account of the petitioner/Judgment Debtor No.2. However, liberty is given to the 1st respondent/Decree holder to recover the balance amount due by moving appropriate application before the District Court in terms of the observations made by this Court in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015.

5. 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

12.10.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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12.10.2015

Msr