

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 655 of 2015

DATED 3rd November, 2015

BETWEEN

Ms. Faheemunnisa

...Petitioner

And

M/s Chola mandalam Investments & Finance Ltd.,

Hyderabad, rep. by its Asst. Manager Ali Abbas Kashani and anr

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 655 OF 2015

ORDER:

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This Civil Revision Petition is filed by the first respondent in I.A.No 2516 in OP.No.3038 of 2014 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad. The first respondent herein filed said OP under Section 9(ii) (a) & (c) of the Arbitration and Conciliation Act 1996. In the said OP, the first respondent herein filed I.A.No.2516 of 2014 seeking to issue prohibitory order

against second respondent-APSRTC to withhold an amount of Rs.7,94,454/- payable to the revision petitioner till the disposal of the main OP. The learned III Additional Chief Judge, City Civil Court, Hyderabad passed the order under revision as follows:

“ Heard. Issue urgent notice to respondent. However, In view of ensuing vacation till 19.01.2015, the 2nd respondent is directed not to release the amount to the first respondent. Call on 19.1.2015.”

After receipt of the notice, the petitioner herein filed counter on 21.1.2015. The learned Counsel for the petitioner submits that I.A. was kept pending even after filing the counter by the petitioner herein.

In the normal circumstances, when OP was filed under Section 9 of the Arbitration and Conciliation Act, 1996, the Court below ought to have disposed of the main OP itself. The aforesaid Interlocutory Application has been kept pending without passing any final order even after filing the counter.

In the circumstances, the Civil Revision Petition is disposed of directing the Court below to take into consideration the counter affidavit filed by the first respondent herein and dispose of I.A.No. 2516 of 2014 in accordance with law, if necessary, to take up the main OP.No. 3038 of 2014 itself and pass appropriate orders on or before 31.12.2015.

Subject to the above, the Civil Revision Petition is disposed of. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 3rd November, 2015.

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