

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

CIVIL REVISION PETITION No.4402 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 by Judgment Debtor No.2 aggrieved by the order, dated 02.09.2015, passed in E.P.No.49 of 2013 in Arb.O.P.No.1064 of 2011 by the Senior Civil Judge, Nuzvid.

When the matter is called for hearing, it is submitted by the learned counsel for petitioner and Sri Maheswara Rao Kuncheam, learned counsel for respondent No.1, 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 view of the said submission 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 02.09.2015. However, it is open to the respondent/decreed holder to file Execution Petition before appropriate Court.

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

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

December 09, 2015

MD