

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

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C.R.P.No.2884 OF 2015

Between:

M/s. N.G. Enterprises and others

.. Petitioners

and

M.S. Shriram City Union of Finance Ltd.
and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: August 06,
2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

**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.2884 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 aggrieved by the Proclamation of Sale made in E.P.No.40 of 2014 in Arbitration Case No.265 of 2013 on the file of III Additional District Judge, Guntur.

Questioning the Award passed by the Arbitrator on the claims made by respondent No.1, the petitioners have filed O.P.No.727 of 2014 before the Chief Judge, City Civil Court, Hyderabad, under the provisions of Arbitration and Conciliation Act, 1996. Pending O.P., respondent No.1 has filed the present E.P. to execute the Award passed by the Arbitrator. In the said E.P., Proclamation is made for sale of the attached property.

In view of the pendency of O.P. filed by the petitioners questioning the validity of the Award passed by

the Arbitrator, respondent No.1 - decree holder cannot enforce such Award, in view of the provision under Section 36 of the Arbitration and Conciliation Act.

Therefore, the revision petition is allowed and the impugned Proclamation of Sale made in E.P.No.40 of 2014 in Arbitration Case No.265 of 2013 on the file of III Additional District Judge, Guntur, is set aside. Miscellaneous Petitions, if any, pending in this revision petition shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J
August 06, 2015
MD