

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CIVIL REVISION PETITION No.4178 OF 2015

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

This Civil Revision Petition is filed by Judgment Debtor No.1 aggrieved by the order, dated 12-08-2015, in Execution Petition No.321 of 2014 in Arbitration Application No.655 of 2013, passed by the learned Additional Senior Civil Judge, Kurnool, issuing warrant of arrest against him and judgment debtor No.2.

2. The aforesaid execution petition was filed by the decree-holder - respondent No.1 under Order - XXI, Rules - 37 and 38 of the Code of Civil Procedure, 1908, to enforce the Award, dated 30-09-2013, passed by the Arbitrator under the provisions of the Arbitration and Conciliation Act, 1996 (for short 'the Act, 1996').

3. Heard Sri M. Murali Lincoln, learned counsel for the petitioner and Sri Maheswara Rao Kuncheam, learned counsel for respondent No.1 - Decree-holder.

4. This Court, by common order, dated 01-10-2015, in C.R.P. No.1340 of 2015 and batch, has held that the Court of Senior Civil Judge lacks jurisdiction to entertain petition for execution of an award under Section 36 of the Act, 1996, and further held that only the Court of District Judge will have jurisdiction to entertain such execution

petition within the meaning of Section - 2(e) of the Act, 1996.

5. In that view of the matter and following the common order, dated 01-10-2015, in C.R.P. No.1340 of 2015 and batch passed by this Court, the order under challenge is set aside. However, it is made clear that the decree-holder is at liberty to enforce the award by filing appropriate execution petition before the District Court.

6 . Accordingly, the Civil Revision Petition is allowed. Copy of common order, dated 01-10-2015, in C.R.P. No.1340 of 2015 and batch, passed by this Court, shall form part of the decree. There shall be no order as to costs.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in this revision petition, stand disposed of.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

October 08, 2015.

Mgr