

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.4766 of 2013

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ORDER:

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This Civil Revision Petition is filed challenging the order

dt.23-09-2013 in E.P.No.158 of 2011 in A.R.C.No.19 of 2010 of the

I Senior Civil Judge, City Civil Court at Hyderabad.

2. The 1st respondent herein has obtained an Arbitration Award dt.18-12-2010 in Arbitration Case No.19 of 2010 against the petitioner herein and respondent Nos.2 and 3.

3. It thereafter filed E.P.No.158 of 2011 to execute the Award under Order XXI Rule 37 C.P.C.

4. The petitioner herein contested the same stating that

1st respondent is claiming excessive interest and because of ill-health, he was unable to pay the amount. He sought installments

@ Rs.12,000/- p.m.

5. By order dt.23-09-2013, the Court below allowed the

said E.P. only against petitioner since 1st respondent did not press it against respondent Nos.2 and 3. It held that petitioner admitted that he would pay installments, which indicates that he had sufficient means to pay the amount, and since he is not paying the amount, the E.P. deserves to be allowed. It held that petitioner ought to have preferred an appeal challenging the Award in two months, but he has failed to do so and he cannot question the same in the execution proceedings.

6. Challenging the same, this Revision is filed.

7. On 13-11-2013, this Court directed issuance of notice before admission and granted stay of all further proceedings in the E.P. on condition of petitioner depositing 50% of the E.P. amount within four (04) weeks from that day. A default clause was also incorporated saying that if the petitioner fails to do so, the stay shall stand vacated.

8. Learned counsel for both sides state that the interim order

dt.13-11-2013 passed by this Court had not been complied with by petitioner. That apart, no material is placed before this Court that petitioner is not having amounts to satisfy the Award. Having undertaken to pay the Award amount and having requested that respondent

Nos.2 and 3 to be exonerated from the liability, it is not open to the petitioner to evade satisfaction of the Award.

9. Therefore, this Revision is without merit and it is accordingly dismissed with costs of Rs.1,000/- (Rupees One Thousand only) payable to 1st respondent.

10. As a sequel, miscellaneous petitions pending if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 01-09-2015

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