

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.03 of 2015**

M/s Shri Ram Transport Finance Company Through Authorized Officer Akshya Pal S/o Kiran Pal At Present Durga Prasad Duvedi Aged 40 Years S/o. Shankarsan Duvedi Branch Manager Shri Ram Transport Finance Company Limited Kera Road Janjgir P.S. & Tahsil Janjgir District Janjgir Champa C.G.

---- **Petitioner /Award holder/applicant**

Versus

1. Banshilal Gond S/o Dayaram Gond Aged About 37 Years R/o Village Khamhariya P.S. & Tahsil Jaijaipur District Janjgir Champa C.G.
2. Gopal Krishna Chandra S/o Ghasiram Chandra Aged About 52 Years R/o Village Akaltara, Police Station & Tahsil Jaijaipur District Janjgir Champa C.G.

---- **Respondents**

Shri Ratnesh Kumar Agrawal, counsel for the petitioner.
 Shri Sushobhit Singh, counsel for respondent No.1.
 None for respondent No.2, though served.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

11.3.2016.

Heard.

2. It is submitted on behalf of the petitioner that the instant matter is covered with the order dated 29.7.2015 passed by this court in Civil Revision No.179/2012 (IndusInd Bank Ltd. Vs. Varsha Chitaliya & Ors.) and order 03.3.2016 passed in WP(227) 01/15 (M/s. Shri Ram Transport Finance Company) and as per the settled law under the provision of Section 36 of the Arbitration and Conciliation Act, 1996 (in short 'the Act') the award in question be executed without further transfer of the same from any other Court. As the award passed under Section 36 of the Act is an award “ if it were a decree of the court”, hence, the impugned order dated

22.9.2014 be quashed. The petition may be allowed and relief as claimed may be granted.

3. Upon consideration of the entire facts, present matter filed on behalf of the petitioner is identical with the aforementioned matters, hence, the petition is hereby allowed as the same is covered and identical regarding the order earlier passed. Hence, without discussing the other facts, on the basis of the principles laid down in the above two matters, the instant petition is allowed. Impugned order dated 22.9.2014 is hereby set aside. Executing Court is directed to proceed with the execution of the award dated 20.12.2012 in accordance with law without insisting upon the transmission of the award from any other court.

4. As prayed on behalf of respondent No.1, liberty available as per execution law to raise the issues regarding the said execution shall be available as per the law. The petition is allowed. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE