

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 676 of 2016**

1. Rajesh Singh S/o Shri Roshan Singh, aged about 48 years, R/o Village Bhaidsa, Tahsil Nawagarh, Civil and Revenue District Janjgir Champa, Chhattisgarh
2. Ravinder Dwivedi S/o Gokul Prasad Dwivedi, aged about 45 years R/o Village Sukli, Tahsil Janjgir District Janjgir Champa, Chhattisgarh

---- **Petitioners****Versus**

M/s Shriram Transport Finance Company Ltd. through Branch Manager,
Branch Office First Floor Tiwari Complex Opposite Rajnish Book Depot
Kesh Road, Janjgir, District Janjgir Champa, Chhattisgarh

---- **Respondent**

For Petitioners : Shri Rakesh Pandey on behalf of Shri
Prabhakar Singh Chandel, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/11/2016**

The present petition has been preferred against the order dated 07.09.2016 passed by the District Judge, Janjgir, District Janjgir Champa in Execution Case No. 36/2015.

2. Without entering into the merits of the case what is reflected is that the case before the District Judge was in respect of the execution of an arbitration award passed against the petitioners. Admittedly, as accepted by the counsel for the petitioners, the original award under Arbitration Act has not been questioned by the petitioners till now and it is only the execution proceeding which is objected by them. The petitioners have also not been able to point out any illegality in respect of the jurisdiction, competency or the power of the Court below in issuing the impugned order

dated 07.09.2016 so as to invoke the provisions under Article 227 of the Constitution of India for interfering with the proceeding drawn by the Court below.

3. In view of the same, this Court is of the opinion that the present petition does not have any substance and it is accordingly dismissed.

4. However, it is made clear that the dismissal of the present petition would not preclude the right of the petitioners in approaching the concerned Authority in accordance with law in challenging the arbitration award under Section 34 of the Arbitration and Conciliation Act.

5. With the aforesaid liberty the present petition is dismissed.

Sd/-

(P. Sam Koshy)
JUDGE