



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP (MD).Nos. 536 to 538 of 2016

M/s. Sri Ram Transport Finance Company Limited,
rep. by its Power of Attorney,
K. Sasikumar : Petitioner in all WP's

Vs.

Thangadurai : Respondent in CRP(MD)No.536/2016
Balakrishnan : Respondent in CRP(MD)No.537/2016
Kumar : Respondent in CRP(MD)No.538/2016

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Principal District Judge, Kanyakumari at Nagercoil to number the EPSR.Nos.6191 of 2015, 6328 of 2015 and 6332 of 2015 respectively and adjudicate the issue on merits by allowing this Civil Revision Petition.

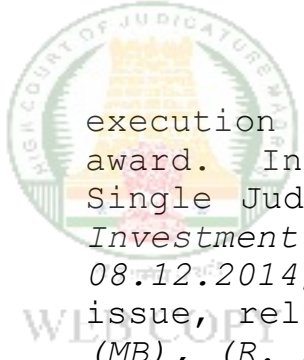
For Petitioner in all CRPs : M/s. Ananth C. Rajesh

COMMON ORDER

The Civil Revision Petitions are filed to direct the learned Principal District Judge, Kanyakumari at Nagercoil, to number the EPSR.Nos.6191 of 2015, 6328 of 2015 and 6332 of 2015 and adjudicate the issue on merits.

2. All the Civil Revision Petitions are filed against the return of Execution Petitions filed by the petitioner. The petitioner is a decree holder. The petitioner had obtained award by invoking arbitration Clause, contained in loan cum Hypothetical agreement executed by the respondent / Judgment debtor. The petitioner has filed an Execution Petitions to attach and sell the properties to realize the amounts, as per the arbitration award. The learned District Judge returned the Execution Petitions on the ground that the District Court has no jurisdiction to entertain the Execution Petitions. Against that the present revisions are filed.

<https://hcservices.ecourts.gov.in/hcservices/> learned counsel appearing for the petitioner submitted that as per Section 2(e) of Arbitration and Conciliation Act, 1996, the Principal District Court has power to entertain the



execution petition to realize the amount, as per the arbitration award. In this regard, he has relied on a decision of a learned Single Judge of this Court in *CRP.No.4690 of 2014 (Cholamandalam Investment and Finance Company Limited Vs. V. Natarajan)*, dated 08.12.2014, wherein this Court while considering the similar issue, relying on the Judgment reported in 2013(2) TNCJ 755 (MAD) (MB), (*R. Sathajah @ Pitchai and others Vs. R. Vazhavanthammal and others*) held that the District Court or Principal District Judge is having original jurisdiction to entertain an execution petition in respect of arbitration award. This Court also held that as per Section 36 of Arbitration and Conciliation Act award is deemed to be decreed and can be executed as a decree of competent Civil Court.

4. In view of the Judgments referred to above, the learned Principal District Judge, Nagercoil is directed to number the Execution Petitions without raising the question of jurisdiction, if it is otherwise in order.

5. With the above direction, the Civil Revision Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

The Principal District Judge, Kanyakumari at Nagercoil

+3 ccs to Mr.Ananth C.Rajesh, Advocate,
SR.Nos.12971,12972 and 12973

trp
RL/5C/JGB/DP/22/3/2016

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08.03.2016