

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS

CIVIL REVISION PETITION No.5472 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

This civil revision petition was preferred by the judgment debtors in E.P.No.33 of 2015 on the file of the learned VI Additional Senior Civil Judge, Vijayawada, Krishna District, arising out of A.C.P.No.2441 of 2012.

By order dated 21.01.2016, the learned VI Additional Senior Civil Judge, Vijayawada, returned the execution petition holding that the same was not maintainable before him and duly permitting the execution petitioner/decreed holder to present the same before the competent Court. The grievance of the petitioners/judgment debtors was that despite the return of the execution petition as aforesaid, the attachment of their salaries in terms of the order dated 29.09.2015 passed in the execution petition was still being continued.

By order dated 09.11.2016, this Court took note of the fact that the earlier order dated 29.09.2015 passed in the execution petition would not survive after the same was returned for want of jurisdiction and accordingly directed the employer not to effect deductions from the salaries of the petitioners/judgment debtors pursuant to the warrants issued in terms of the order dated 29.09.2015.

Heard Sri Gade Venkateswara Rao, learned counsel for the petitioners/judgment debtors, and Sri Kuncham Maheswara Rao, learned counsel for the first respondent/decreed holder.

In the light of the law laid down by this Court in *Potlabathuni Srikanth v. Shriram City Union Finance Ltd.*¹, an arbitration Award can be executed by treating it as a decree only before the Court as defined in Section 2(1)(e) of the Arbitration and Conciliation Act, 1996. The learned VI Additional Senior Civil Judge, Vijayawada, therefore had no jurisdiction to entertain the execution petition in relation to an arbitration Award. The return of the execution petition on this ground was therefore valid and proper.

However, the learned VI Additional Senior Civil Judge, Vijayawada, failed to take note of the fact that the interim order passed earlier in the execution proceedings for effecting attachment of the salaries of the judgment debtors was not withdrawn at the time of return of the execution petition. The said order ceased to be operative in the eye of law once the execution petition was returned for want of jurisdiction.

The civil revision petition is accordingly allowed holding that any orders, including the order dated 29.09.2015, passed by the learned VI Additional Senior Civil Judge, Vijayawada, in E.P.No.33 of 2015, ceased to be operative upon return of the said execution petition under docket order dated 21.01.2016.

Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

ANI S, J

23rd November, 2016
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¹ [2016 (2) ALD 10 (DB)]