

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No.5278 OF 2013

ORDER:

This Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908, by the petitioners/judgment debtors is directed against the orders of the learned Principal Senior Civil Judge at Mancherial, Adilabad District, passed in E.P.No.228 of 2013 in Arbitration Case No.1298 of 2011.

2. I have heard the submissions of the learned counsel for the revision petitioners/judgment debtors ('the judgment debtor', for brevity) and the learned counsel for the respondent/deGREE holder ('the decree holder', for brevity) and I have perused the material record.

3. The facts which are necessary to be noted as a preface to the case, in brief, are as follows:

The respondent/deGREE holder, having obtained an award in the aforesaid arbitration case, filed the above said execution petition before the learned Principal Senior Civil Judge, Mancherial, Adilabad District and sought attachment of the EP scheduled property. The Court below by a docket order directed attachment of the EP schedule movables of the judgment debtors. Therefore, the aggrieved judgment debtors had filed this revision *inter alia* contending that the EP ought to have been filed before the Principal Civil Court in view of the settled legal position, but not before a Court of the learned Senior Civil Judge at Mancherial.

4. At the hearing, it is fairly conceded that the issue involved in this revision is covered by the ratio in a judgment of the Division Bench of this Court in **Potlabathuni Srikanth v. Shriram City Union Finance Limited**^[1]. The learned counsel for both the sides submitted

that an EP against the arbitration award shall be instituted before the Principal Civil Court i.e., the Principal District Court of a District.

5. In view of the submissions made based on the settled legal position, it follows that the order passed by the learned Principal Senior Civil Judge by entertaining the EP is unsustainable. Viewed thus, this Court finds that this revision deserves to be allowed.

6. In the result, the Civil Revision Petition is allowed and the order impugned is set aside. The learned Principal Senior Civil Judge at Mancheri, Adilabad District is directed to return, as per the procedure, the execution petition to the decree holder/respondent for presentation to proper Court in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

M. SEETHARAMA MURTI, J

Date:14.07.2016
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[\[1\]](#) 2015 (6) ALT 629 (D.B.)