

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

CIVIL REVISION PETITION NO.1135 OF 2016

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ORDER: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

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This revision is directed against the order passed in E.P.No.34 of 2015 in A.R.C.No.96 of 2009 by the learned I Senior Civil Judge's Court, City Civil Court, Hyderabad.

Learned counsel for the petitioner would urge that the learned I Senior Civil Judge Court has no jurisdiction to entertain any execution proceedings for enforcement of arbitral award. He, places reliance upon the judgment rendered by a Division Bench of this Court rendered in ***Potlabathuni Srikanth and others vs. Shriram City Union Finance Limited and others***^[1].

Incidentally, the first respondent-decree holder is the same Shriram City Union Finance Limited. Hence, accepting notice on behalf of the decree holder, Sri Kunchem Maheswara Rao would submit that the order passed in the E.P. by the learned I Senior Civil Judge's Court, is without jurisdiction and hence, the same may be set-aside, preserving liberty to the decree holder to take execution proceedings before the Court considered appropriate.

Following the ratio laid down in ***Potlabathuni Srikanth's*** case we allow this civil revision petition, quashing the E.P. proceedings as not maintainable before the Court of learned I Senior Civil Judge's Court, while preserving the liberty to the first respondent-decree holder to move the Court having jurisdiction to entertain the E.P.

The civil revision petition is allowed.

Consequently, miscellaneous applications pending, if any, shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

DR. JUSTICE B. SIVA SANKARA RAO

Date:09.03.2016
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[\[1\]](#) 2015 (6) ALT 629 (D.B.)