

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

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CIVIL REVISION PETITION NO.1867 OF 2014

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ORDER

(per Hon'ble Sri Justice Sanjay Kumar)

This matter is placed before us upon the endorsement made by the Arbitrator, Justice T.N.C. Rangarajan, in response to the order dated 03.08.2015 passed by a Division Bench of this Court in this C.R.P.

Perusal of the said order reflects that the C.R.P. was filed against the order dated 04.06.2014 passed by the learned III Additional Chief Judge, City Civil Court, Hyderabad, in E.P.No.51 of 2010 arising out of Arbitration Award No.78 of 2006. The respondent in the C.R.P. filed the said E.P. seeking attachment of the property of the petitioner on the ground that a sum of Rs.7,00,000/- was still due and payable. By the order under challenge in this Civil Revision Petition, the Court below directed the petitioner herein to deposit Rs.10,95,199/- within a time frame. Faced with this factual situation and taking note of the subsequent developments in the form of payment of Rs.43,17,600/- to the respondent, the Division Bench observed that only the issue of interest and certain deductions remained and accordingly referred the matter again to the Arbitrator in terms of Clause 6(8) of the Award dated 08.10.2006. However, the Arbitrator, Justice T.N.C. Rangarajan, stated that he was not willing to undertake the work and accordingly requested this Court to appoint someone else.

When the matter was placed before this Court on 21.06.2016, Dr. Venkat Reddy Donthi Reddy, learned counsel for the respondent, stated that his client was willing to forego the claim for interest payable. He therefore stated that it was no longer necessary to refer the matter for further arbitration. The matter was thereupon adjourned at the request of Sri A.Chandrasekhar, learned counsel for the petitioner, to get instructions. However, when the matter again came up on 28.06.2016, there was no representation for Sri A.Chandrasekhar, learned counsel for the petitioner, and it was adjourned to 29.06.2016.

Today, despite the matter being passed over, Sri Kishore, learned counsel representing Sri A.Chandrasekhar, learned counsel for the petitioner,

seeks further time. We are however not inclined to adjourn the matter at this stage.

Perusal of the order passed by the Division Bench disposing of the C.R.P. clearly reflects that the cause for referring the case to the Arbitrator under Clause 6(8) of the Award dated 08.10.2006 was the claim put forth by the respondent as to the issues of interest and deductions. As Dr. Venkat Reddy Donthi Reddy, learned counsel for the respondent, informed us that the claim is now being given up, no cause survives for the matter to be again sent to the arbitration.

The C.R.P. is accordingly closed.

SANJAY KUMAR, J

DR. B.SIVA SANKARA RAO, J

29th JUNE, 2016

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