

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3987 of 2016

ORDER:

The present Civil Revision Petition is filed under Section 115 of Civil Procedure Code, aggrieved by the order dated 16.12.2015 passed in E.P.No.1 of 2015 in A.R.C.No.837 of 2011 on the file of Senior Civil Judge, Chittoor, Chittoor District, wherein the application filed under Order 21 Rule 48 of C.P.C. for attachment of the salary of the petitioner, was partly allowed by directing the attachment of salary of judgment debtor No.2, subject to Section 60 of CPC and the petition in respect of judgment No.6 was dismissed.

The only ground urged by the learned counsel for the petitioner is that the said Court has no jurisdiction to entertain the E.P. filed against an award passed by the arbitrator. In support of the same, he placed reliance on the Judgment of this Court in ***Potlabathuni Srikanth and others Vs. Shriram City Union Finance Limited and others***^[1], wherein a Division Bench of this Court observed as under:

“For the aforesaid reasons, it is obvious that the learned Senior Civil Judges Courts of Mangalagiri, Peddapuram, Gajuwaka and Chittoor have no inherent jurisdiction to deal with the applications filed under Section 36 of the Act and consequently entertaining the EPs by those Courts is without authority and, therefore, the orders impugned are hereby set aside by giving liberty to respondent No.1 to invoke the jurisdiction of the proper Court.”

The said fact is not disputed by the learned counsel appearing for the respondent.

Having regard to the above, the order under challenge is set aside, giving liberty to the petitioner to make an application before the appropriate Court in the light of the judgment referred to above.

With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

24.08.2016

vhb

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