

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

CIVIL REVISION PETITION No.315 of 2016

—
ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the petitioners/Judgment Debtors, aggrieved by the institution of E.P.No.155 of 2015 in Arbitration Case No.TCFL/16232/2014 on the file of the VII Senior Civil Judge, City Civil Court, Hyderabad, seeking attachment and sale of E.P. Schedule mentioned property under Order 21 Rules 43, 64 and 66 of C.P.C., and Section 36 of the Arbitration and Conciliation Act, 1996 (for brevity "the Act") for realization of the decretal amount.

2. When the matter is called for hearing, it is submitted by learned counsel for the parties that the issue involved in this revision is squarely covered by the orders in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015, wherein this Court, while dealing with identical issue, has ruled that the Courts of Senior Civil Judge are incompetent to entertain Execution Petitions filed under Section 36 of the Act and only the Courts of District Judge are having power to entertain Execution Petitions in view of the definition of '*Court*' as envisaged under Section 2(1)(e) of the Act.

3. Following the judgment in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015, and in view of the reasons mentioned therein, this Civil Revision Petition is allowed. It is made clear that this order will not preclude the

respondent/Decree holder to recover the amount due under the Award by moving appropriate application before the District Court in terms of the observations made by this Court in C.R.P.No.1340 of 2015 & batch, dated 01.10.2015.

4. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

27.01.2016.

Msr

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