

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 1442 of 2016

Order:

This Civil Revision Petition is filed against the order, dated 14.10.2015, passed in IA No.392 of 2014 in OS No.80 of 2012 on the file of the VII Additional District Judge, Mahaboobnagar.

2. The petitioner herein is the defendant in the said suit. The respondent herein filed the suit for specific performance of contract basing on the agreement dated 06.05.2009 in respect of the mining lease. The petitioner herein filed a written statement on 27.09.2013 i.e., nine months after his appearance through the advocate, who filed vakalat on 23.01.2013. When an application in IA No.392 of 2014 was filed by the petitioner herein to refer the parties to arbitration in view of existence of arbitration clause in the agreement dated 06.05.2009, the said application was dismissed by the learned VII Additional District Judge, Mahaboobnagar on 14.10.2015 holding that the objection was taken after filing the written statement and since three years have elapsed the application was not maintainable. I do not see any error in the said order. In the circumstances, the Civil Revision Petition is liable to be dismissed.

3. However, since the respondent is present before this Court, this Court enquired with the respondent whether he is willing to settle the matter through the process of arbitration as Section 89 of CPC provides for the same. The respondent is willing for reference of the matter to arbitration. Since the present application was filed by the petitioner to refer the matter for arbitration and the respondent has no objection, liberty is given to both the parties to file an appropriate application before the lower Court for reference of the matter to arbitration, in which event, the trial Court shall take the same under consideration under Section 89 of CPC and pass appropriate orders thereon.

4. Subject to the above observations, the Civil Revision Petition is dismissed. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.
Date: 22.04.2016
Nsr

RAMALINGESWARA RAO, J