

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

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C.R.P.No.314 OF 2016
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ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

At the request of learned counsel for parties, the revision petition itself is taken up for hearing.

This revision petition, under Section 115 of the Code of Civil Procedure, 1908, is filed by Judgment Debtor No.2 aggrieved by the order, dated 26.08.2015, passed in E.P.No.208 of 2014 in A.R.No.405 of 2010 by the Additional Senior Civil Judge, Tirupati.

The aforesaid E.P. is filed to enforce the order passed by the Arbitrator under the provisions of the Arbitration and Conciliation Act, 1996.

When the matter is called for hearing, it is submitted that the subject matter of this revision petition is squarely covered by the judgment of this Court in C.R.P.No.1340 of 2015 and batch, dated 01.10.2015, wherein this Court has ruled that the Courts of Senior Civil Judge are incompetent to entertain Execution Petitions filed under Section 36 of the Arbitration and Conciliation Act, 1996 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 said Act.

In that view of the matter and having regard to the reasons assigned by this Court in the order, dated 01.10.2015, passed in C.R.P.No.1340 of 2015 and batch, this Civil Revision Petition is allowed setting aside the impugned order, dated 26.08.2015. However, it is open to the respondent - decree holder to file Execution Petition before appropriate Court.

Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

January 18, 2016

MD