

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

CIVIL REVISION PETITION No.340 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 petitioner/Judgment Debtor No.3, aggrieved by the order dated 30.06.2015 in E.P.No.38 of 2014 in Arb. Case No.854 of 2012 passed by the Principal Senior Civil Judge, Chittoor, Chittoor District, allowing the application filed by respondent No.1/Decree holder under Order 21 Rule 48 of C.P.C., to realize the E.P. amount by way of attachment over the salary of the judgment debtor Nos.1 and 3.

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 Arbitration and Conciliation Act, 1996 (for brevity "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, setting aside the impugned order dated 30.06.2015. It is made

clear that this order will not preclude the 1st 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

19.01.2016.

Msr

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

CIVIL REVISION PETITION No.340 of 2016

19.01.2016
Msr