

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

Civil Revision Petition No.1475 of 2016

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Dated 20th July, 2016

Between:

M/s. Om Sai Constructions and another

.....Petitioners

And

M/s. Shiram Transport Finance Company Limited

.....Respondent

Counsel for the petitioners: Sri G.Ravi Mohan

Counsel for the Respondent: Sri Maheswara Rao Kuncheam

The Court made the following:

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

Civil Revision Petition No.1475 of 2016

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This civil revision petition arises out of order, dated 12.02.2016, in E.P.No.47 of 2014, in Arbitration Award No.531 of 2012, on the file of the learned Principal District Judge, Kurnool.

We have heard Sri G.Ravi Mohan, learned counsel for the petitioners, and Sri Maheswara Rao Kuncheam, learned counsel for the respondent.

The petitioners suffered an arbitral award. Assailing the same,

they are stated to have filed a petition seeking setting aside the said arbitral award and the same is stated to be pending. As no interim order was passed therein, the respondent which secured the award filed the above-mentioned EP for execution of the award by way of arrest of the petitioners under Order XXI Rules 37 and 38 of CPC. The lower Court by the order under revision allowed the said EP.

At the hearing, the only ground urged by the learned counsel for the petitioners is that when the petition seeking setting aside of the arbitral award is pending, the lower Court ought not to have allowed the EP.

In our opinion, mere pendency of a petition seeking setting aside of the arbitral award will not operate as stay, unless the Court grants such an order. Admittedly, the petitioners failed to secure an order of stay. Therefore, we do not find any illegality in the order of the lower Court, allowing the EP.

The learned counsel for the petitioners, however, submitted that the order under the EP may be made subject to the order that may be passed in the pending petition filed seeking setting aside of the arbitral award.

It goes without saying that any order passed in the execution petition pertaining to arbitral award shall abide by the result of the petition in which the award itself is challenged.

Subject to the above observation, the civil revision petition stands dismissed.

As a sequel to dismissal of the civil revision petition, CRP.MP.No.1867 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

20th July, 2016
VGB