

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.26533 of 2016

Date:08.8.2016

Between:

Kadasi Savitri,
W/o Prakasam

..... **Petitioner**

And:

The State of Telangana, reptd by its
Principal Secretary (Revenue),
Hyderabad and three others.

....**Respondents**

Counsel for the petitioner: Mr. Venkata Raghu Mannepalli

Counsel for respondent No.1: GP for Revenue (TS)
Counsel for respondent No.4: Mr. V.Ravikiran Rao

The Court made the following:

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

This Writ Petition is filed feeling aggrieved by award, dated 27.02.2016, in Arbitration Case No.1799 of 2015 passed by respondent No.2.

We have heard Mr. Venkata Raghu Mannepalli, learned counsel for the petitioner and perused the record.

The petitioner allegedly stood as guarantor for a car loan obtained by one Bobbili Avinash Arunkumar from respondent No.3. Evidently, the borrower has committed default. As a result, respondent No.3 has raised an Arbitration dispute before respondent No.2. Respondent No.2 has passed the impugned award, dated

27.02.2016.

From a perusal of the said award, it appears that notices were issued to the principal borrower and two guarantors, arrayed as parties in the Arbitration dispute, and one of them includes the petitioner, and that, in respect of the principal borrower and the petitioner, notices were returned with the postal endorsement "door was locked for seven days".

The petitioner has pleaded that she has nothing to do with the loan advanced by respondent No.3 in favour of the principal borrower and that, therefore, she is not liable for any payment.

If the impugned award is treated to have been passed under the Arbitration and Conciliation Act, 1996, which is the case of the petitioner, the appropriate remedy for her is to approach the Principal Court of competent civil jurisdiction under Section-34 of the said Act by filing an application for setting aside the arbitral award. If the award is treated as a decree under the Chit Funds Act, 1982, the petitioner has a right of appeal under the Code of Civil Procedure. Either way, the petitioner is not entitled to maintain a Writ Petition under Article-226 of the Constitution of India to question the arbitral award.

In this view of the matter, the Writ Petition is dismissed, without adjudicating the dispute on merits, however, with liberty to the petitioner to avail appropriate legal remedies available to her in law.

As a sequel to dismissal of the Writ Petition, WPMP.No.32812 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*08th August 2016
DR*