

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO*

CIVIL REVISION PETITION No.6119 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

Learned counsel appearing for the parties are at consensus that the issue arising in this civil revision petition is squarely covered by the decision rendered by this Court in Potlabathuni Srikanth v. Shriram City Union Finance Limited¹, whereby it was held that execution petitions under Section 36 of the Arbitration and Conciliation Act, 1996, can only be entertained by the Court of the Principal District Judge concerned.

In that view of the matter, institution of the execution petition in the present case before the learned Principal Senior Civil Judge, Ongole, Prakasam District, cannot be countenanced.

The civil revision petition is accordingly allowed holding that E.P.No.470 of 2014 in Arbitration Case No.1660/2012 is not maintainable in the Court of the learned Principal Senior Civil Judge, Ongole, Prakasam District. This order shall however not preclude the first respondent from filing an execution petition afresh in accordance with law before the proper forum.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

U. DURGA PRASAD RAO, J

Date:26.12.2016

GJ

¹ 2016 (2) ALD 10 (DB)