

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE T.RAJANI

CRP.No.5761 of 2016

Date:09.02.2017

Between:

Raasi Enterprises Solutions Ltd.,
Secunderabad, reptd by its Managing
Director-M.Paleswara Raju

..... Petitioner

And:

Chukka Sridevamma,
D/o Venkata Naidu and three others.

.....Respondents

Counsel for the petitioner: Mr. Peri Prabhakar

The Court made the following:

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

This Civil Revision Petition arises out of order, dated 11.7.2016, in I.A.No.1834 of 2015 in Arbitration O.P.No.571 of 2014 on the file of the learned District Judge, Vizianagaram.

We have heard Mr. Peri Prabhakar, the learned counsel for the petitioner, and perused the record.

A contract was entrusted by the State of Andhra Pradesh to the petitioner, which entrusted a small part of the same to respondent No.1. As disputes arose between the two parties, the matter was referred to a panel of three arbitrators, who are arrayed as respondent Nos.2 to 4 in this Civil Revision Petition. The panel of arbitrators passed award, dated 29.4.2014. Feeling aggrieved thereby, respondent No.1 filed Arbitration O.P.No.571 of 2014 under Section-34 (2) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') in the Court of the District Judge, Vizianagaram for setting aside the said award. The petitioner filed I.A.No.1834 of 2015 under Order-VII Rule-10 of the Code of Civil Procedure (for short 'C.P.C.') to return Arbitration O.P.No.571 of 2014 filed by respondent No.1 for presentation in proper Court.

The principal plea raised by the petitioner in the said application was that except the execution of the work at Vizianagaram, every other part of the cause of action had arisen

in the Courts outside the jurisdiction of the Court at Vizianagaram and that therefore, the said Court had no jurisdiction to entertain the Arbitration O.P. This plea was rejected, and in our view rightly, by the District Court, Vizianagaram.

Section-2(1) (e) of the Act defines 'Court' *inter alia* as "the Principal civil Court of original jurisdiction in a district and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject matter of the arbitration if the same had been the subject matter of a suit, but does not include any civil Court of a grade inferior to such principal civil Court or any Court of Small Causes."

Under Section-20(c) C.P.C., a suit can be instituted in a Court where the cause of action wholly or in part arises.

Admittedly, the execution of contract forms part of the cause of action and such execution had taken place within the jurisdiction of the District Court, Vizianagaram. Therefore, respondent No.1 has rightly invoked the jurisdiction of the said Court by filing Arbitration O.P.No.571 of 2014 and hence, the lower Court has rightly rejected the objection of the petitioner and dismissed I.A.No.1834 of 2015.

For the afore-mentioned reasons, we do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition CRPMP.No.7480 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

09th February, 2017

DR

