

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

C.R.P.M.P.No.8309 of 2016 in C.R.P. No.6063 of 2012
and
C.R.P. No.6063 of 2012 and C.M.A.No.992 of 2012

COMMON JUDGMENT: *(Per Hon'ble Sri Justice Sanjay Kumar)*

These two cases arise out of the arbitration Award dated 29.07.1994 rendered by the sole arbitrator under the provisions of the Indian Arbitration Act, 1940.

O.S.No.167 of 1994 was filed before the learned Principal Senior Civil Judge, Tirupati, by D. Srinivasulu Reddy, the claimant, to make the said Award the rule of the Court. By order dated 14.10.2011, the trial Court decreed the suit. While so, Arbitration O.P.No.40 of 1999 was filed by the other side, the Tirumala Tirupati Devasthanams, Tirupati, and its officers before the learned Principal Senior Civil Judge, Tirupati, under Sections 30 and 33 of the Indian Arbitration Act, 1940, to set aside the said Award. By a separate order dated 14.10.2011, the trial Court dismissed the petition. Thereupon, the Tirumala Tirupati Devasthanams filed C.R.P.No.6063 of 2012 against the order passed in O.S.No.167 of 1994 and C.M.A.No.992 of 2012 against the order passed in A.O.P.No.40 of 1999.

By order dated 25.02.2013 passed in C.R.P.No.6063 of 2012, this Court granted interim stay of further proceedings in the Execution Petition filed in O.S.No.167 of 1994 on the file of the learned Principal Senior Civil Judge, Tirupati, subject to the petitioners, the Tirumala Tirupati Devasthanams, Tirupati, and its officers depositing a sum of Rs.3,00,000/- in addition to the amounts already deposited within a period of six weeks. D. Srinivasulu Reddy, the respondent, was permitted to withdraw the same without furnishing security.

While the matters stood thus, D. Srinivasulu Reddy filed C.R.P.M.P.No.8309 of 2016 in C.R.P.No.6063 of 2012 seeking modification of the decree making the arbitration Award dated 29.07.1994 the rule of the Court by holding that the balance amount payable to him should be restricted to Rs.1,78,762/- and the Tirumala Tirupati Devasthanams,

Tirupati, may be permitted to deduct a sum of Rs.5,00,000/- towards contribution to Nitya Annadanam Scheme.

Sri P. Vinayaka Swamy, learned counsel, would state that in the event the prayer as set out in the above Miscellaneous Petition is accepted, his client is willing to forego any other amounts that may be payable to him in terms of the decree in O.S.No.167 of 1994 and the arbitration Award dated 29.07.1994.

Sri M. Adinarayana Raju, learned senior standing counsel for the Tirumala Tirupati Devasthanams, states that as D. Srinivasulu Reddy, who is the respondent in both the cases, is willing to forego all other claims arising under the arbitration Award dated 29.07.1994, which is made the rule of the Court in O.S.No.167 of 1994 by the learned Principal Senior Civil Judge, Tirupati, he has no objection to the C.R.P. being disposed of in terms of the prayer made in C.R.P.M.P.No.8309 of 2016.

In that view of the matter, C.R.P.No.6063 of 2012 is disposed of modifying the order and decree dated 14.10.2011 passed by the learned Principal Senior Civil Judge, Tirupati, in O.S.No.167 of 1994, by restricting the amount due and payable as on date to D. Srinivasulu Reddy by the Tirumala Tirupati Devasthanams, Tirupati, to Rs.1,78,762/- and permitting the Devasthanams to deduct a sum of Rs.5,00,000/- towards contribution to Nitya Annadanam Scheme. All other amounts that may be payable in terms of the Award shall be foregone by D. Srinivasulu Reddy in terms of his own offer.

In the light of the order passed in C.R.P.No.6063 of 2012, C.M.A.No.992 of 2012 does not survive for consideration and is accordingly dismissed.

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

SANJAY KUMAR, J

Date: 02.01.2017

U.DURGA PRASAD RAO, J

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