

HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE Ms. JUSTICE J. UMA DEVI

CIVIL REVISION PETITION No. 4096 of 2017

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

This Civil Revision Petition under Article 227 of the Constitution assails the failure on the part of the learned Principal District Judge, Krishna District, Machilipatnam, in disposing of Arbitration O.P.No.1 of 2014, a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act of 1996').

The grievance of the petitioners, the respondents in the Arbitration O.P., was that the Court below was attempting to compromise the matter between parties by sending them to the Lok Adalat.

We are of the opinion that this measure adopted by the Court below is wholly unwarranted as the issue arising in an O.P. filed under Section 9 of the Act of 1996 is only limited to the interim measures that need to be provided for by the Court pending the making of the arbitral award by the Arbitral Tribunal. It is not within the ken of the Court entertaining a petition under Section 9 of the Act of 1996 to effect a compromise between the parties by sending them to the Lok Adalat.

The Civil Revision Petition is accordingly disposed of directing the Court below to exercise its jurisdiction in terms of Section 9 of the Act of 1996 in accordance with law after giving sufficient opportunity of hearing to both the parties.

Interim order dated 21.08.2017 shall stand vacated. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 21.11.2017

JUSTICE UMA DEVI

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