

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 682 of 2018

1. Lal Ji Sahu, S/o. Firturam Sahu, Aged About 50 Years, R/o. House No. 416, Village Devraha, Pisaud, Tahsil Janjgir, District Janjgir Champa, Chhattisgarh.
2. Rajkumar Sahu, S/o. Bhakla Sahu, Aged About 50 Years, R/o. House No. 62, Village Dhaneli, Tahsil Janjgir, District Janjgir Champa, Chhattisgarh.

--- Petitioners

Versus

Mahindra & Mahindra Financial Services Limited, Branch Office, Tiwari Complex, Kera Road Janjgir, District Janjgir Champa, Chhattisgarh. Through Its Territory Legal Manager Prasoon Shrivastav, S/o. Shri R.K. Shrivastav, R/o. Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

-- Respondent

For Petitioners : Mr. Indrasen Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2018

Heard

1. This petition is against the order dated 07.05.2018 wherein the executing Court has taken cognizance and directed the petitioners/ judgment debtor to deposit the money.
2. Learned counsel for the petitioners submits that the petitioners have taken loan from the respondent and having defaulted, the arbitration clause invoked. The arbitrator passed an award and it has been executed now at Janjgir where the petitioners reside. It is stated that as per the agreement, the jurisdiction to execute is at Mumbai and the award should have been firstly filed at Mumbai and thereafter could only be transferred to Janjgir.
3. The documents filed along-with this petition shows that the award was passed by the arbitrator at Mumbai and thereafter execution is being

preferred before the Janjgir Court. The submission made by the petitioners therefore is completely misconceived and if such logic is accepted then no recovery process can be adopted from the person who obtained loan from one place thereafter flees to other place.

4. Accordingly, the petition has no merit and is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge