

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5371 OF 2017

Jeevan Janardhan Jadhav & Anr.	...	Petitioners
V/s.		
M/s. Vistaar Financial Services Pvt. Ltd.	...	Respondent

**WITH
CIVIL APPLICATION NO. 2804 OF 2017**

M/s. Vistaar Financial Services Pvt. Ltd.	...	Applicant
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In the matter between

Jeevan Janardhan Jadhav & Anr.	...	Petitioners
V/s.		
M/s. Vistaar Financial Services Pvt. Ltd.	...	Respondent

- Mr.Anil V. Anturkar, Senior Advocate a/w. Mr.Sandeep Phatak for the Petitioners.
- Mr.Sagar Kasar for the Respondents in WP/5371/2017 and for Applicants in CAW/2804/2017.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th FEBRUARY, 2018.

P.C. :

1] Heard learned Counsels for the parties.

2] By this Writ Petition, filed under Article 227 of the Constitution of India, the Petitioners are challenging the order dated 21st March, 2017, passed below Exhibit-25 in Special Darkhast No.25

of 2016.

3] The Application at Exhibit-25 was filed by the present Petitioners contending *inter-alia* that the Arbitration Award is passed in Arbitration held at Bangalore. However, as the immovable property of the judgment debtor is situated in Satara, the Respondent-Decree Holder has filed an application for implementation or execution of the Award under Section 36 of the Arbitration and Conciliation Act, 1996 before the District Judge at Satara. It was therefore contended that the District Court at Satara cannot directly entertain the execution application unless the Award, which is in the nature of the decree is transferred by the Court at Bangalore.

4] The executing Court has, however, rejected the said objection and hence, this Writ Petition is filed, challenging the impugned order passed by the executing Court.

5] Learned Senior Counsel for the Petitioners fairly concedes that, in view of the recent judgment of the Hon'ble Supreme Court, the Writ Petition holds no substance. The Hon'ble Supreme Court has in the case of *Sundaram Finance Limited Vs. Abdul Samad & Anr.*, in *Civil Appeal No.1650 of 2018, dated 15th February, 2018*, decided this issue clinchingly. In paragraph No.(22) of the judgment; it has been

categorically held as follows:

“We are, thus, unhesitatingly of the view that the enforcement of an award through its execution can be filed anywhere in the country where such decree can be executed and there is no requirement for obtaining a transfer of the decree from the Court, which would have jurisdiction over the arbitral proceedings.”

6] In view thereof, the impugned order passed by the trial Court holding that the Court at Satara is having the jurisdiction to entertain the jurisdiction of the Arbitral Award passed at Bangalore without obtaining the transfer of the decree is required to be held as correct and accordingly, stands confirmed.

7] Writ Petition, being holding without merits, stands dismissed.

8] In view of disposal of Writ Petition, nothing survives in the Civil Application and therefore, it stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]