

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
and

* THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

+ CIVIL REVISION PETITION No.1095 of 2018

% Date: 20-02-2018

Between:

Shaik Aboobakar, S/o. Shaik Saleh,
R/o. H.No.5-6-261/4, New Agapura,
Hyderabad.

...petitioner/JDR No.1

Vs.

1. M/s. Shriram City Union Finance Limited, Karimnagar-I Branch, rep.
by its authorized signatory and power of attorney holder K.
Rajendra Kumar, S/o. Rajkumar, R/o. Karimnagar.

... Respondent/DHR

2. Syed Wajid Ali, S/o. Syed Ghouse, R/o. H.No.6-6-755, Ambedkar
Nagar, Karimhagar.

.. Respondent/JDR No.2.

! Counsel for the petitioner : Mr. H. Venugopal

<GIST:

> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION No.1095 of 2018

ORDER: (per VRS, J)

The Award Debtor has come up with the above revision challenging an order of the Executing Court refusing to entertain a petition for stay and for setting aside an ex parte Arbitration Award.

2. Heard Mr. H. Venugopal, learned counsel for the petitioner.

3. It appears that the petitioner suffered an ex parte award in arbitration, on 30.11.2015. According to the petitioner, he immediately filed O.P.(SR).No.5704 of 2016 on the file of the Principal District Court, Warangal, under Section 34 of the Arbitration & Conciliation Act, 1996. But the same was returned by the Court below on 12.07.2016 on the ground that the petition under Section 34 was not accompanied by a signed copy of the Award.

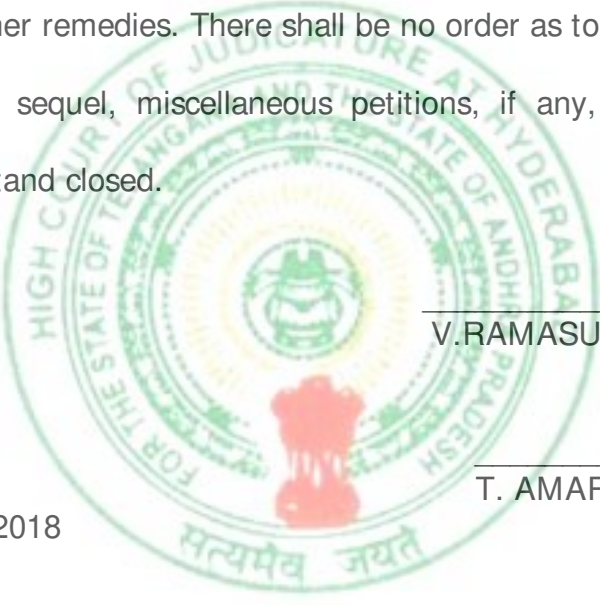
4. On account of the said return, the petitioner seems to have sent a letter to the Arbitrator on 25.11.2016 seeking a copy of the signed Arbitration Award passed ex parte. But according to the petitioner there was no response.

5. In the meantime, the Award holder filed Execution Petition in E.P.No.106 of 2016. In the said execution petition, the petitioner took out an application in unnumbered E.A.SR.No.4087 of 2017 seeking stay and setting aside the ex parte Award. The Court below dismissed the said petition as not maintainable. It is against the said order that the petitioner is before us.

6. After having chosen to file a proper petition under Section 34 before the appropriate Court, the only remedy open to the petitioner is to

take up that petition to its logical end, by working out the remedies available either before the trial Court or before this Court in appropriate proceedings. Even if the petitioner has represented the petition under Section 34 and the Court has not passed any order, the petitioner should work out his other remedies and not file an application before the Executing Court to set aside the Award. The Executing Court has no power to set aside the Arbitration Award and hence the Court below was right in rejecting the petition as not maintainable. Hence the Civil Revision Petition is dismissed. It will be open to the petitioner to work out appropriate other remedies. There shall be no order as to costs.

7. As a sequel, miscellaneous petitions, if any, pending in this revision shall stand closed.



V.RAMASUBRAMANIAN, J

T. AMARNATH GOUD, J

20th February, 2018
Js

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION No.1095 of 2018

(per VRS, J.)



20th February, 2018.

Js