

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION No.2139 of 2018

09.04.2018

Between:

G.Adithya Rao and another

..Petitioners

and

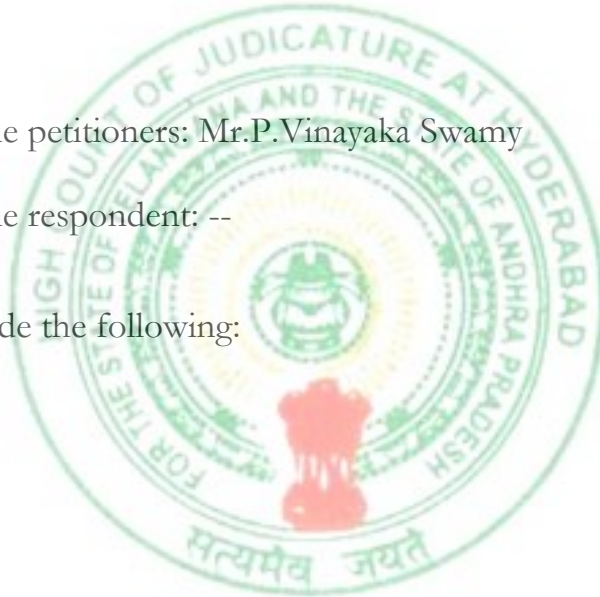
M/s.Aster Constructions,
represented by its Proprietor, Hyderabad

..Respondent

Counsel for the petitioners: Mr.P.Vinayaka Swamy

Counsel for the respondent: --

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Civil Revision Petition is filed against order, dated 20.12.2017, in I.A.No.2111 of 2017 in Arbitration O.P.No.1087 of 2011 on the file of learned III Additional Chief Judge, City Civil Court, Hyderabad.

2. We have heard Mr.P.Vinayaka Swamy, learned counsel for the petitioners, and perused the record.

3. The respondent filed Arbitration O.P.No.1087 of 2011 under Section 9 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') seeking interim measures. Six years thereafter, the petitioners filed I.A.No.2111 of 2017 under Order VII Rule 11 C.P.C. for rejection of the plaint. This application having been dismissed by the Court below, the unsuccessful applicants in the said I.A. filed this Civil Revision Petition.

4. Though we are not satisfied with the quality of the order of the Court below, we, however, agree with the conclusion arrived at by it, for, as per the Andhra Pradesh Arbitration Rules, 2000 framed by this Court, only certain provisions of C.P.C. are made applicable to the proceedings under the Arbitration Act and admittedly, the provisions of Order VII Rule 11 C.P.C. are not included in those provisions. Apart from this, even if we take the analogy of Order VII Rule 11 C.P.C., the grounds raised by the petitioners do not fall

in any one of Sub-Clauses (a) to (f) of the said provision. There is yet another ground on which the application of the petitioners deserves to be dismissed *viz.*, that the Arbitration O.P. filed under Section 9 of the Arbitration Act cannot be equated to a plaint in a civil suit.

5. For all the aforementioned reasons, I.A.No.2111 of 2017 in Arbitration O.P.No.1087 of 2011 filed by the petitioners was wholly misconceived and the same was rightly dismissed by the Court below.

6. Hence, we do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

7. As a sequel to dismissal of the C.R.P., I.A.No.1 of 2018 filed by the petitioners for interim relief stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

09th April, 2018
GHN

