

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

AND

HON'BLE SMT JUSTICE T. RAJANI

CIVIL REVISION PETITION No.2193 OF 2018

ORDER: (Per Hon'ble Sri Justice C. Praveen Kumar)

The present Civil Revision Petition came to be filed, under Article 227 of the Constitution of India, assailing the order, dated 05.02.2018, passed in I.A. No.9 of 2018 in COP No.1 of 2018 by the Commercial Court-cum-XXIV Additional Chief Judge, City Civil Court at Hyderabad (for short, 'the Court below'), wherein and whereunder the Court below, while allowing the said I.A., filed under Section 36(2) of the Arbitration and Conciliation Act, 1996, directed stay of all further proceedings of the arbitration award in Arbitration Application No.79 of 2016 including execution of the award, dated 06.06.2017, subject to petitioner paying 25% of the arbitration award amount by 28.02.2018, in addition to paying monthly rents by 5th of every succeeding month till disposal of the main Petition.

During the course of hearing, learned counsel for the petitioner would contend that there cannot be any condition for granting stay of the arbitration award but, later, fairly concedes that in view of the recent decision of the Apex Court in ***Board of Control for Cricket in India Vs. Kochi Cricket Private Limited and others***¹, the conditional orders are permitted under law.

It would be useful to extract the relevant portion of the decision of the Apex Court in ***Board of Control for Cricket in India***¹, which reads as follows:

¹ Civil Appeal Nos.2881 of 2018 and batch, Dt.15.03.2018

“Since it is clear that execution of a decree pertains to the realm of procedure, and that there is no substantive vested right in a judgment debtor to resist execution, Section 36, as substituted, would apply even to pending Section 34 applications on the date of commencement of the Amendment Act.”

In view of the above, learned counsel for the petitioner seeks some more time for payment of 25% of the arbitration award amount.

Hence, considering the above and without going into merits of the case, the ends of justice would be met if the petitioner is directed pay half of the 25% of the arbitration award amount within four (4) weeks from today and the remaining half of the 25% of the arbitration award amount within five (5) weeks thereafter, in default of any of the above two installments, the order stands vacated without reference to the Court. All other conditions in the order impugned shall remain unaltered. Further, it is needless to mention that this order is only with regard to execution of the award.

Accordingly, with the above directions, the Civil Revision Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

T. RAJANI, J

Date: 25-06-2018.

Note:

Issue C.C. in two (2) days.
Dsh

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C.C. IN TWO (2) DAYS

CIVIL REVISION PETITION No.2193 OF 2018

(Order of the Division Bench delivered by
Hon'ble Sri Justice C. Praveen Kumar)

Date. 25-06-2018

DSH

