

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE N.BALAYOGI

CIVIL REVISION PETITION NOs.3682 AND 3723 OF 2018

COMMON ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

Heard Sri N.Ashwani Kumar, learned counsel for the petitioner and Sri Srinivas Chitturu, learned counsel for the respondents.

It would suffice for the disposal of both the CRPs if the contents of CRP No.3682 of 2018 are noted. CRP.No.3682 of 2018 is filed under Article 227 of the Constitution of India against the order passed by the IX Additional Chief Judge, City Civil Court, Hyderabad in I.A.No.1015 of 2018 in O.P.No.1131 of 2018 dated 22.06.2018 whereby notice was issued to the respondents. As against the claim of Rs.7,00,000/- made by the fourth respondent herein, the sole Arbitrator had directed payment of Rs.7,32,000/- with interest @ 18% per annum. Aggrieved thereby, the petitioner had preferred an appeal, and the appellate authority had enhanced the amount payable by them to Rs.9,88,500/- with interest @ 18% per annum. The petitioner herein filed a petition, under Section 34 of the Arbitration and Conciliation Act, 1996 ("the Act" for brevity), before the Court below to set aside the award. They also filed an application under Section 36 of the Act for grant of stay pending disposal of O.P.No.1130 of 2018. On the ground that the Court below had merely issued notice, and had not granted stay, the jurisdiction of this Court under Article 227 of the Constitution of India was invoked.

While the maintainability of these two Revision Petitions is debatable, since no order was passed by the Court below warranting exercise of our jurisdiction under Article 227 of the Constitution of India, Sri N.Ashwani Kumar, learned counsel for the petitioner, would contend that the judicial superintendence of this Court, under Article 227 of the Constitution of India, would be exercised to prevent substantial injustice. On the other hand Sri Srinivas Chitturu, learned counsel for the respondents, would submit that the Bombay Stock Exchange has already released Rs.5,00,000/- to each of the respondents, in both these Revision Petitions.

Both Sri N.Ashwani Kumar, Learned Counsel for the petitioner, and Sri Srinivas Chitturu, Learned Counsel for the respondent-claimant would submit that, instead of keeping the Revision Petitions pending on the file of this Court, it would suffice if the interim order passed earlier is directed to operate, for the balance amount payable under the award till the disposal of the O.Ps, and the O.Ps. are directed to be disposed of early.

As the respondent-claimants herein are said to have already been paid Rs.5,00,000/- each, and both the counsel are in agreement that the interim order passed by this Court earlier may be continued till the disposal of the O.P. and the O.P. be disposed of early, we consider it appropriate to dispose of both these Revision Petitions, directing continuance of the interim order, passed earlier, for the balance amount (other than the sum of Rs.5,00,000/- already released in favour of the respondents) till the O.P. is finally heard and decided. We have no reason to doubt

that, on a request being made by both the counsel, the Court below shall decide the O.P. with utmost expedition.

Both the Civil Revision Petitions are disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(N.BALAYOGI, J)

6th August 2018
RRB

