

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

*** HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE N. BALAYOGI**

+ C.R.P.No.3831 of 2018

% Date: 10-07-2018

Between:

1. P. Nizamuddin, S/o. Shabuddin, R/o. D.No.27-179, Rahamath Nagar, Punganur, Chittoor District – 517247.
2. K.S. Haroon, S/o. Khazi Syed Ahmed, R/o. D.No.27-179, Rahamath Nagar, Punganur, Chittoor District – 517247.

..Petitioners/JDs

Vs.

Shriram City Union Finance Limited,
Chittoor Branch rep. by its GPA Holder,
R.V. Subba Reddy.

Respondent

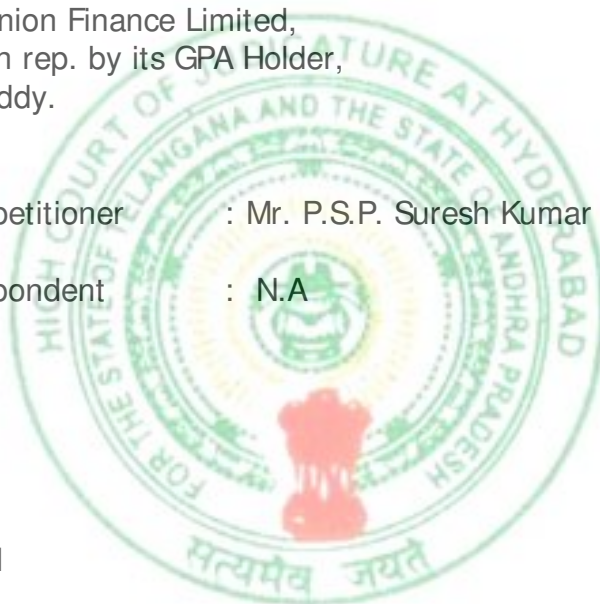
! Counsel for the petitioner : Mr. P.S.P. Suresh Kumar

^ Counsel for respondent : N.A

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? Cases referred



**THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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ORDER: (Per VRS,J.)

Aggrieved by the order of the Executing Court, directing the attachment of properties under Order XXI Rule 54 in execution of an Award, the Award Debtors have come up with the above revision petition.

2. Heard Mr. P.S.P. Suresh Kumar, learned counsel for the petitioners.

3. As against the Award passed on 26.07.2014, the petitioners have filed an O.P. under Section 34 of the Arbitration and Conciliation Act, 1996, in Arbitration O.P.No.185 of 2015. Since the same is pending, the petitioners/Award Debtors opposed the execution on the ground that the mere pendency of a petition under Section 34 would operate as stay. But the trial Court overruled the objection and allowed the Execution Petition directing the attachment of the property under Order XXI Rule 54. Hence the Award Debtors have come up with the above revision petition.

4. Though the trial Court has not stated the precise reasons for allowing the Execution Petition, the reasons are too obvious. There was confusion as to whether the amendment to the Arbitration Act passed in the year 2015 would operate prospectively or retrospectively. But the issue is now settled by a Bench of the Supreme Court in **Board of Control for Cricket in India v. Kochi Cricket Pvt. Ltd.**¹. Therefore, the only option available to the petitioner is to move a stay petition in the Original Petition pending under Section 34.

¹ AIR 2018 SC 1549

5. Hence the Civil Revision Petition is dismissed leaving it open to the petitioners to move a stay petition in the pending O.P. under Section 34. There shall be no order as to costs.

6. As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

V. RAMASUBRAMANIAN, J.

N. BALAYOGI, J.

10th July, 2018
Js.



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AND
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