

**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 MS. JUSTICE J. UMADEVI

Civil Revision Petition No.5260 of 2018

12-09-2018

Between:

S.M. Somasekhar, S/o Netaji Sreeramulu,
Aged 43 years, Occ: Business, R/o B-20,
Rolling Hills, Anjaiah Nagar, Gachibowli,
Hyderabad and 2 others

... Petitioner

Vs.

M/s. Oasis Auto Financial Services Limited,
Represented by A. Ramesh – Lease Officer,
Branch Office at Plot No.9/74, Small Avenue,
Jubilee Hills, Hyderabad

... Respondents

Counsel for the Petitioner : Mr. D. Subramanya Yadav

Counsel for Respondents : None appeared

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Civil Revision Petition No.5260 of 2018

ORDER: *(per V. Ramasubramanian, J)*

The award debtors have come up with the above revision challenging an order passed by the District Court, in an interlocutory application filed during the pendency of a petition under Section 34 of the Arbitration and Conciliation Act, 1996.

2. Heard the learned counsel for the revision petitioners.

3. The petitioners suffered an arbitration award. Challenging the arbitration award, the petitioners filed an application under Section 34 of the Arbitration and Conciliation Act, 1996, in A.O.P.No.529 of 2015. Now the same is pending adjudication before the III Additional District Judge, Ranga Reddy.

4. After two years of filing of the application under Section 34, the petitioners moved an Interlocutory Application in I.A.No.452 of 2017 purportedly under Section 151 of the Code of Civil Procedure, seeking a direction to furnish details of the sale proceeds of the car, for the purchase of which finance was taken from the respondent/ award holder. The Court below rejected the said application. Therefore, the petitioners are before us.

5. To a pointed query made by us as to whether the documents sought by the petitioners were already marked as exhibits, the learned counsel for the revision petitioners stated that they were marked as Ex.B.1. If this is true, the question of filing a

separate application for summoning a document does not arise. All that the petitioners should do is to draw the attention of the court to Ex.B.1, if this is what the petitioners sought.

6. But after we confronted the learned counsel, he stated that the details that the petitioners sought were not considered by the Arbitrator. If they are not considered by the Arbitrator, the same can only be a ground, if permissible under law, under Section 34 of the Act.

7. But actually it appears that the petitioners are seeking to draw the attention of the Court to a material, which was not marked as document. Materials, which were not marked as documents before the Arbitrator, cannot be brought in terms of additional evidence under Order XLI Rule 27 of CPC. Therefore, either way the revision deserves to fail.

Accordingly, the Civil Revision Petition is dismissed. If the particulars sought by the petitioners are already marked as exhibits, it is open to the petitioners to place arguments at the time of final disposal of the O.P. on the basis of the documents, which are already marked in the arbitration proceedings.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 12-09-2018
Ksn