

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms JUSTICE J.UMA DEVI

+ Civil Revision Petition No.4587 of 2018

% Date: 29-8-2018

R.Narasimha Rao, S/o. Sivaramaiah, Aged 50 years,
Occ: Business, R/o. D.No.8-1-8/1, Bhimavaripalem,
Bapatla

... Petitioner/Respondent/JDR

Vs.

\$ 1. Shriram City Union Finance Co. Ltd.,
Rep. by its GPA Holder at Bapatla

... Respondent/Petitioner/DHR

2. R.Sivaram Kumar S/o Narasimha Rao, Aged 32 years,
R/o. D.No.8-1-8/1, Bhimavaripalem, Bapatla

3. K.Lakshminarayana S/o Nageswara Rao, Aged 40 years,
Occ: Business, R/o. 16-1-3, GBC Road, Bapatla

... Respondents/Respondents/JDRs

! Counsel for Petitioner: Ms. Ramya, representing
Mr. Srinivasa Rao Bodduluri

Counsel for Respondent No.1: ---

Counsel for Respondents 2&3: ---

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> Head Note:

? Cases referred:

1. 2018 Law Suit (SC) 225

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Order: (per V.Ramasubramanian, J.)

Aggrieved by an order of attachment ordered by the Executing Court, the award-debtor has come up with the above revision.

2. Heard Ms. Ramya, learned counsel appearing for the petitioner.

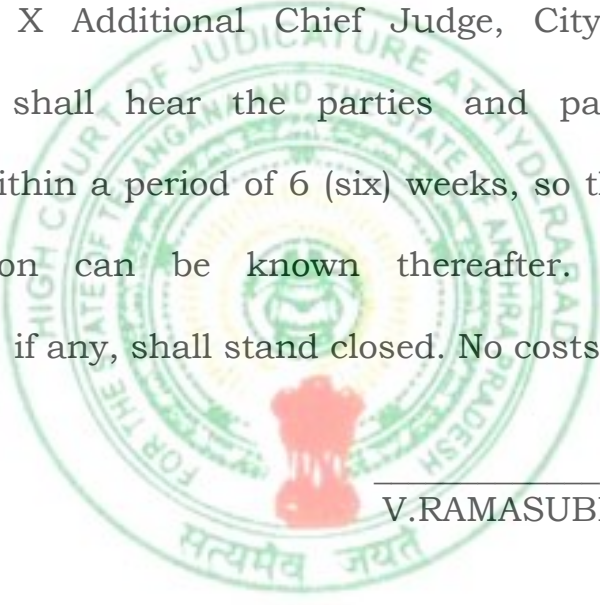
3. The main contention of the petitioner is that as against an arbitration award passed without notice and passed without granting any opportunity to the petitioner, the petitioner has already filed an application under Section 34 of the Arbitration and Conciliation Act, 1996, before the X Additional Chief Judge, City Civil Court, Hyderabad and that during the pendency of the same, the 1st respondent/decree-holder has moved the Executing Court. It is also the contention of the learned counsel for the petitioner that when the loan sanctioned was for Rs.6 lakhs, the claim in the arbitration was made for Rs.12 lakhs.

4. But the Executing Court cannot go beyond the award to find out whether the amount awarded was correct or not. In view of the recent decision of the Supreme Court in **BCCI v. Kochi Cricket Pvt. Ltd.**¹, the amendment to the arbitration Act in the year 2015 will cover even in cases of this nature.

¹ 2018 Law Suit (SC) 225

Therefore, the mere pendency of a petition under Section 34 of the Act is not sufficient to prevent the Executing Court from proceeding further. The petitioner ought to have moved an application for stay under Section 36 of the Act, as amended by the 2015 amendment.

5. In view of the above, the civil revision petition is dismissed. It will be open to the petitioner to move an application for stay before the X Additional Chief Judge, City Civil Court, Hyderabad. If an application for stay is so moved, the X Additional Chief Judge, City Civil Court, Hyderabad, shall hear the parties and pass an order, preferably within a period of 6 (six) weeks, so that the fate of the execution can be known thereafter. The pending applications, if any, shall stand closed. No costs.



V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

29th August, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Civil Revision Petition No.4587 of 2018
(per VRS, J.)



29th August, 2018.
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