

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice T. AMARNATH GOUD

CIVIL REVISION PETITION No.5258 OF 2017

Date:06.02.2018

Between:

Dasari Venkanna S/o.Achaiah,
Aged about 53 years, Occ: JPA in TSGENCO,
R/o.H.No.6-2-33, Seetharamapatnam,
Paloncha, Khammam District,
Presently Bhadrachalam District

...Petitioner

Vs.

Mahindra & Mahindra Financial Services Limited,
Branch Office No.15, Acrot Street, Opp:MGR Memorial
House T Nagar, Chennai 600 017,
Head Office at Gate way Building Appollo Bandar,
Mumbai 400 001, rep. by Power of Attorney holder
Y. Subba Reddy, S/o.Shankar Reddy, aged 25 years,
Area Legal Manager, R/o.Khammam, Khammam District
and another.

... Respondents

Counsel for Petitioner : Sri Mummaneni Srinivasa Rao

Counsel for Respondents : Sri V. Mohan Srinivas

Gist :

Head Note :

Cases Referred : 2017 (6) ALD (5)

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON' BLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION No.5258 OF 2017

ORDER: (per V. Ramasubramanian, J)

The Judgment Debtor No.2 under an award has come up with the above revision, questioning the very maintainability of an Execution Petition filed on the file of the Principal District Court, Khammam.

2. Heard Mr.Mummaneni Srinivasa Rao, learned counsel appearing for the petitioner and Mr.V. Mohan Srinivas, learned counsel for the 1st respondent.

3. The 1st respondent secured an arbitration Award on 12.08.2013 against the petitioner as well as the 2nd respondent. The seat of Arbitration was Chennai. Award was passed in Chennai.

4. Since the petitioner is employed in Telangana State GENCO at Paloncha of Warangal District, the 1st respondent/Award holder filed E.P. No.63 of 2017 on the file of the Principal District Court, Khammam. Upon receipt of notice from the Executing Court, the Judgment Debtor No.2, who is the petitioner herein, has come up with the above revision.

5. The contention of the petitioner is that the Principal District Court, Khammam, could not have entertained the Execution Petition, for two reasons, namely, (a) that the Award passed in Chennai was not transmitted to the Principal District Court, Khammam and (b) that the area where the award is sought to be executed, is covered by the Scheduled Areas (Part-B States) Order, 1950, issued by the President of India in exercise of the powers conferred by Para-6 of the 5th Schedule of the Constitution.

6. The first objection of the petitioner with regard to transmission, should be overruled in view of the decision of this Court in

Sri Ram Transport Finance Company Limited vs. S.Salauddin¹, which was also reiterated today in CRP No.595 of 2018 by order dated 06.02.2018. Hence, the first objection stands overruled.

7. Insofar as the second objection is concerned, it is true that all the villages of Paloncha Taluq of Warangal District are included in the Presidential Order, 1950, at Serial No.13. But Serial No.13 of the Presidential Order reads as follows:

“(13) All the villages of Paloncha taluq of Warangal district (excluding Paloncha, Borgampad, Ashwaraopet, Dammamet, Kuknur and Nellapak villages and (II) Samsthan of Paloncha.”

8. Therefore, it is clear that all the villages of Paloncha except Paloncha and a few other villages are excluded. Hence, Rule 35 of the Agency Rules, 1924, do not apply to the case on hand. Hence, the second objection is also overruled. As a consequence, the Civil Revision Petition is dismissed.

9. Miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

T. AMARNATH GOUD, J

February 06, 2018
KTL

¹ 2017 (6) ALD 5 (DB)