

***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 D.V.S.S. SOMAYAJULU

+ C.R.P.No.6449 of 2018

% Date: 06-11-2018

Between:

Chaitanya Bharathi E.M. School,
Rep. by its Correspondent/Authorised Signatory,
2-422-3-2/B, P & T Colony, Madanapalle,
Chittoor District.

Petitioner/JDR/respondent

Vs.

1. M/s. Edusmart Services Pvt. Ltd., New Delhi – 110037, rep. by
Authorised representative.
2. M/s. Educomp Solutions Ltd., New Delhi – 110008, rep. by
Authorised representative.
(Both are rep. by their GPA Holder Mr. masthan Valli Munna.)

Respondents/ DHrs/ Claimants

! Counsel for the petitioner : Mr. R Sujan Kumar

^ Counsel for the respondents :

< GI ST:

> HEAD NOTE:

? Cases referred

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

C.R.P.No.6449 of 2018

ORDER: (Per VRS,J.)

The petitioner, who is an Award Debtor has come up with the above revision challenging an order of attachment passed by the Executing Court.

2. Heard Mr. R. Sujan Kumar, learned counsel for the petitioner.

3. The main grievance of the petitioner is that there was a change of guard in the management of the petitioner-institution and that the petitioner-institution was never put on notice either of the Award or of the proceedings in execution and that therefore, the impugned order is illegal.

4. But it is seen from the main order that the Award was passed on 29.03.2012. After the amendment to the Arbitration and Conciliation Act, 1996, it is not enough if the petitioner had challenged the award under Section 34, but they are also obliged to move a petition for stay. It is not known whether the award itself was challenged or not. If the award has attained finality the respondent's right to execute the award cannot be questioned.

5. The contention that there was a change of guard in the management of the society does not hold water for the reason that the petitioner is a society registered under the Societies Registration Act. Under the Act, a society is a body corporate having common seal and perpetual succession. Therefore, merely because there was a change in the committee of management, the identity of society does not change warranting issue of fresh notice. Therefore, we find no illegalities or

irregularities in the order of the Court below. Hence, the civil revision petition is dismissed. There shall be no order as to costs.

6. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

V. RAMASUBRAMANIAN, J.

D.V.S.S. SOMAYAJULU.

6th November, 2018
Js.



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

C.R.P.No.6449 of 2018



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