

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 587 of 2019**

Shambhu Singh, Son of Bam Bahadur Singh, Aged about 42 years,
Resident of House No. 421, Vikram Nagar, Bhanpuri, Birgaon, District
Raipur, Chhattisgarh.

---Petitioner**Versus**

1. Choramandalam Investment and Finance Company Ltd. Corporate Office Deyar House-2, N.S.C. Road Peres Chemmai Branch Officer 506-509 National Corporate Park Fifth Floor G.E. Road Raipur, Tahsil and District Raipur, Through Brach Manager.
2. Niranjana Singh, Son of Bam Bahadur Singh, Resident of House No. 421 Vikram Nagar, Bhanpuri, Birgaon, District Raipur, Chhattisgarh.

----Respondent

For Petitioner : Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****26/07/2019**

1. The petitioner herein is a judgment debtor against whom respondent No. 1 has filed an application under Section 36 of the Arbitration and Conciliation Act, 1996 before District Judge, Raipur for execution of the award amount which is pending consideration since 21/12/2016. Petitioner, by way of the present writ petition, has challenged the order dated 27/06/2019 passed in Execution Case No. 10/2019 by which petitioner's application under Section 151 of the CPC has been rejected by learned 4th Additional Judge Raipur to 1st Additional District Judge, Raipur.
2. Learned counsel for the petitioner submits that learned Court below is absolutely unjustified in rejecting petitioner's application under Section 151 of the CPC by the impugned order which deserves to be set aside.

3. I have heard learned counsel for the petitioner, considered his submissions and perused the records.
4. Petitioner is granted the liberty to file a fresh application making specific objection against the executability of the award amount which will be considered strictly in accordance with law by the executing Court, after hearing the petitioner and the decree holder.
5. With the aforesaid observations, this writ petition stands disposed of at the motion stage without noticing to the other side. No cost(s).
6. A copy of this order be sent to the concerned executing Court by e-mail/fax.

Sd/-

(Sanjay K. Agrawal)
Judge

Hameet