

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN  
AND  
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT APPEAL No.171 of 2019**

**JUDGMENT:** *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant-writ petitioner.

2. This appeal is against the order by which the learned Single Judge has relegated the writ petitioner to appropriate judicial authority.

3. Considering the material papers and the pleadings on record, it is seen that the third respondent had a loan transaction with the appellant-writ petitioner, in which the writ petitioner had borrowed funds from the third respondent. This is not a disputed fact. There was an arbitration proceeding as between the parties before an Arbitrator as Arbitration Case No.216 of 2012. It concluded in arbitral award in terms of the provisions of the Arbitration and Conciliation Act, 1996. That was put in execution in terms of the provisions of that Act before the appropriate District Judge. The proceedings before the District Judge were numbered as Execution Petition. The discharge, satisfaction or otherwise of the award, which is a deemed decree, is a matter for that authority to consider. We, therefore, do not find any infirmity, illegality or irregularity in the impugned order of the learned Single Judge in having relegated the writ

petitioner to the authority i.e., the Court before which the Execution Petition is pending.

4. For the aforesaid reasons, the appeal fails and the same is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

**THOTTATHIL B. RADHAKRISHNAN, CJ**

**A.RAJASHEKER REDDY, J**

Date: 11.03.2019  
*va*

