

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE K.LAKSHMAN**

CRP.No.2184 of 2019

ORDER: *(Per the Hon'ble Sri Justice M.S.Ramachandra Rao)*

1. This Revision is filed by the petitioner assailing the order dt.26.04.2019 in IA.No.224 of 2019 in COP.No.103 of 2018 of the Judge, Commercial Court-cum-XXIV Additional Chief Judge, City Civil Court, Hyderabad, directing the 1st respondent herein to deposit 1/3rd of the decretal amount awarded in the Arbitral Award dt.17.07.2018 by respondents 2 to 4.

2. Petitioner contends that usual order in matters of this nature relating to money decree is that stay of execution of the money decree will be granted subject to deposit of 50% of the decretal amount; that in the impugned order no reason is assigned why a deviation was made by the Court below from that norm; that in para 8 of the impugned order, the Court below stated that there would be stay of enforcement of the Award on deposit of 25% of the decretal amount, but in the next paragraph, without assigning any reason, the Court below altered it to 1/3rd.

3. We see force in this contention. Also, there is no reason assigned in the impugned order passed by the Court below why there is a deviation from the usual norm of directing deposit of 50% of the decretal amount as a condition precedent for granting stay of operation of the Arbitral Award dt.17.07.2018.

4. Though counsel for the 1st respondent sought to contend that there is no necessity for this Court to interfere with the order passed by the Court below and that the application under Section 34 of the Arbitration and Conciliation Act, 1996 having been filed in 2018 was itself to be decided expeditiously, we are of the opinion that the 1st respondent ought to deposit 50% of the decretal amount for seeking stay of the execution of the Arbitral Award dt.17.07.2018 and there is no reason in the instant case why that norm should be deviated.

5. Accordingly, this Civil Revision Petition is allowed; the order dt.26.04.2019 in IA.No.224 of 2019 in COP.No.103 of 2018 of the Judge, Commercial Court-cum-XXIV Additional Chief Judge, City Civil Court, Hyderabad is modified as under:

“There shall be stay of all further proceedings including execution of the Arbitral Award dt.17.07.2018 of respondents 2 to 4 on condition of the 1st respondent depositing 50% of the decretal amount on or before 24.01.2019. The amount already deposited by the 1st respondent in the Court below pursuant to the order of the Court below shall be taken into account in computing the 50% payable and only the balance amount is to be deposited on or before 24.01.2019. On such deposit, petitioner is permitted to withdraw the same without furnishing any security.”

6. Consequently, miscellaneous petitions pending if any shall stand dismissed. No order as to costs.

M.S. RAMACHANDRA RAO, J

K.LAKSHMAN, J

09th December, 2019.

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