

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

**PRESENT
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

CIVIL REVISION PETITION NO: 735 OF 2022

Petition under Article 227 of Constitution of India, aggrieved by the Order dated 03/03/2022 in IA No.168/2022 in Arb.OP No.1 of 22 on the file of the Court of the Principal District Judge, Nalgonda.

Between:

1. Narra Balaswamy, S/o Balaram, aged 39 years, Occ M/s Mahalaxmi Motors, D.No 19-44/12, Vinayaka Complex, Mahabubnagar Road, Devarakonda, R/o Kamalapuram (v), Devarakonda (M), Nalgonda District, T.S..
2. Vasthula Satyanarayana, S/o Muthyalu, aged 41 years, Occ APGENCO, Puttamgandi, R/o H.No. 17-151, Devarakonda, Nalgonda Dist. T.S.
3. Palte Balaram, S/o Yellaiah, aged 45 years, Occ Panchayat Secretary at GP Chennaram, R/o Padamatipalli (v), Devarakonda (M), Nalgonda Dist, T.S.

...PETITIONERS

AND

1. M/s Shriram City Union Finance Limited, having its Registered office at No 123, Angappappa Naikken street, Chennai with the Administrative office at 3-5-478, 4th floor, Anand Estates, Liberty Road, Himayathnagar, Hyderabad and one such branch situated at Nalgonda is represented by the G.P.A. Holder cum Dy. General Manager Sri K. Srinivasulu S/o Rangaiah, aged 43 years, in Shriram City Union Finance Ltd., Nalgonda Branch.
2. Sri B. Venkateswarlu, Sole Arbitrator, 5-1-254, Kavirajnagar, Khammam, Khammam District, T.S.

...RESPONDENTS

IA NO: 1 OF 2022

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to suspend the condition imposed to deposit an amount of Rs 6,50,000/- in the order dated 03.03.2022 passed by the Principal District Judge, Nalgonda in IA No.168 of 2022 in ARB OP No.1 of 2022.

For the Petitioners : SRI KADARU PRABHAKAR RAO, Advocate

For the Respondents : SRI N.SRIKANTH GOUD, Advocate

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION No.735 of 2022

ORDER:

This Civil Revision Petition is filed aggrieved by the order, dated 03.03.2022, passed in I.A.No.168 of 2022 in Arbitration O.P.No.1 of 2022 on the file of Principal District Judge, Nalgonda.

2. Heard Sri Kadaru Prabhakar Rao, learned counsel for the petitioners and Sri N.Srikath Goud, learned counsel for the 1st respondent.

3. It has been contended by learned counsel for the petitioners that the petitioners have borrowed certain amounts from the 1st respondent with a promise to repay the same. But, the petitioners could not repay the same due to various difficulties. Therefore, the 1st respondent has initiated arbitration proceedings before the 2nd respondent and the 2nd respondent was pleased to pass an Award, dated 29.12.2017 in Arbitration Case No.17 of 2015, directing the petitioners to pay an amount of Rs.3,17,992/- to the 1st respondent. Aggrieved by the said Award, the petitioners have preferred Arbitration O.P.No.1 of 2022 before the Principal District Judge, Nalgonda,

under Section 34 of the Arbitration and Conciliation Act, 1996. In the said O.P, the petitioners have filed I.A.No.168 of 2022 seeking stay of the Award passed by the learned Arbitrator. The learned Principal District Judge, Nalgonda, by order, dated 03.03.2022 in I.A.No.168 of 2022 stayed the Award on condition of the petitioners depositing an amount of Rs.6,50,000/- to the credit of the subject O.P, Aggrieved by the same, the present revision petition is filed.

4. On the other hand, learned counsel for respondent No.1 contended that the Court below passed order in accordance with law and the said order needs no interference by this Court.

5. Admittedly, the petitioners have filed Arbitration O.P.No.1 of 2022 on the file of learned Principal District Judge, Nalgonda, challenging the award passed by the Arbitrator. Along with the O.P., the petitioners have also filed I.A.No.168 of 2022 seeking stay of the Award and the Principal District Judge was pleased to pass order, date 03.03.2022 in I.A.No.168 of 2022 in Arb.O.P.No.1 of 2022 staying the Award on condition of the petitioners depositing an amount of Rs.6,50,000/- to the credit of the subject O.P.

6. At this stage, learned counsel for the petitioners had contended that the petitioners are willing to pay the principal amount of Rs.3,17,992/- and let the Award amount be restricted to the said amount and direct the learned Principal District Judge, Nalgonda, to adjudicate the Arbitration O.P.No.1 of 2022 on merits.

7. Learned counsel appearing for the 1st respondent has expressed no objection for reducing the amount, as determined by the Arbitrator to that of Rs.3,17,992/- and let stay be continued till disposal of the Arbitration O.P.No.1 of 2022.

8. In view of the said submission, this Court is of the considered view that the order passed by the Court below in I.A.No.168 of 2022 in Arb O.P.No.1 of 20202 is modified and there shall be stay of Award, dated 29.12.2017 passed in Arbitration Case No.17 of 2015, by the 2nd respondent, subject to condition of petitioners depositing an amount of Rs.3,17,992/-, instead of Rs.6,50,000/-, within a period of four [4] weeks from the date of receipt of a copy of this order. On such deposit, the 1st respondent is entitled to withdraw the same. The learned Principal District Judge, Nalgonda, shall

adjudicate the Arb.O.P.No.1 of 2022, on merits and pass appropriate orders, in accordance with law. If the petitioners fail to deposit the amount as stated above, stay granted by this Court shall stand vacated automatically.

9. With the above direction, the Civil Revision Petition is disposed of.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

//TRUE COPY//

Sd/-K.AMMAJI
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Principal District Judge, Nalgonda.
2. One CC to Sri Kadaru Prabhakar Rao, Advocate (OPUC)
3. One CC to Sri N.Srikanth Goud, Advocate (OPUC)
4. Two CD Copies
5. One Spare Copy

Kj.



HIGH COURT

DATED:29/04/2022

ORDER

CRP.No.735 of 2022



Disposing of the CRP.

⑥ VIW
4/7/22