

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

**THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE P.NAVEEN RAO
AND
THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU**

CIVIL REVISION PETITION NO: 3897 OF 2018

Petition under Section 115 of Civil Procedure Code, aggrieved by the Order dated.01-05-2018 made in E.P.No, 39 of 2018 in A.R.C.No. 1 of 2017 on the file of the Court of the V Additional District and Sessions Judge, Range Reddy District, at L.B. Nagar.

Between:

Sampath Rao Sudhakar, S/o. S. Narayana Rao, aged about 37 years,
Occ.Advocate, R/o. D.No. 16-03-214, Gujarathipeta Post, Srikakulam

...Petitioner/DHR

AND

Emirates International Airlines, represented by its chairman and CEO,
EGHQ, Al-Garhoud, Post Box No.686, Dubai, United Arab Emirates.

...Respondent/JDr

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass orders as follows:

- I. The Respondent may be directed to place before this Hon'ble Court the entire record of the Arbitration proceedings and other related proceedings;
- II. The alleged award, having been obtained by fraud and having been passed by the Arbitrator without any jurisdiction, be declared a nullity;
- III. The Respondent's prayer for attachment and sale of the aircrafts operated by Petitioner, be dismissed;
- IV. Costs of these proceedings be awarded in favour of Petitioner; and

- V. Any other relief that this Hon'ble Court deems fit and proper in the facts and circumstances of the case, be granted to Petitioner

Counsel for the Petitioner: SRI VEDULA VENKATARAMANA

Counsel for the Respondents: SRI C. V. NARASIMHAM

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P. NAVEEN RAO
HON'BLE SRI JUSTICE SAMBASIVARAO NAIDU

C.R.P. No. 3897 of 2018

ORDER: (Per Hon'ble Sri Justice P Naveen Rao)

This Court on 4.4.2022 after elaborately hearing the arguments of learned senior counsel Sri Vedula Venkataramana appearing for petitioner and Sri C.V.Narasimham learned counsel for respondent reserved the matter for judgment.

2. Later, on 18.4.2022, learned counsel for respondent filed memo enclosing copy of the interim order passed by High Court of Andhra Pradesh at Amaravati in ICOM O.A. No. 2 of 2019 staying all further proceedings in E.P. No. 39 of 2018 on the file of the Court of V Additional District Judge, Rangareddy District at L.B.Nagar, Hyderabad.

3. In view of the above, today the matter is listed under the caption 'for further hearing'.

4. It is seen from the interim order in ICOM OA No. 2 of 2019 and submissions made by counsel before this Court that against award passed by the Arbitrator, ICOM O A No. 2 of 2019 was filed before the High Court of Andhra Pradesh at Amaravati, wherein interim order was passed staying all further proceedings in E P No. 39 of 2018.

5. Two aspects are noticed. Firstly, this revision is preferred against the order of Court of V Additional District Judge, Rangareddy District at L.B.Nagar, Hyderabad, dismissing EP No. 39 of 2018 in

ARC No. 1 of 2017. Secondly, much later, ICOM O A No. 2 of 2019 was preferred against the award passed by the Arbitrator before the High Court of Andhra Pradesh at Amaravathi. Thus, by the time ICOM O A No. 2 of 2019 was filed, E P No. 39 of 2018 was not pending. However, the fact of dismissal of E P No. 39 of 2018 on 1.5.2018 was not brought to the notice of the High Court of Andhra Pradesh while seeking interim order to stay all further proceedings in E P No. 39 of 2018. This clearly shows lack of bonafides in prosecuting the litigation.

6. Be that as it may, since ICOM O A No. 2 of 2019 has already been preferred and matter is ceased by the High Court of Andhra Pradesh, we are not inclined to continue the proceedings in this Civil Revision Petition.

7. Civil Revision Petition is accordingly disposed of, leaving it open to the petitioner to avail appropriate remedy as warranted by law as and when High Court of Andhra Pradesh clarifies on the interim order granted in ICOM O A No. 2 of 2019 or when ICOM O A No. 2 of 2019 is decided finally. Miscellaneous applications, if any pending stand closed.

SD/-V.KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The V Additional District and Sessions Judge, Range Reddy District, at L.B. Nagar.
2. One CC to Sri Vedula Venkataramana, Advocate [OPUC]
3. One CC to Sri C. V. Narasimham, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

MMK

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HIGH COURT

DATED:21/04/2022

ORDER

CRP.No.3897 of 2018



DISPOSING OF THE CIVIL REVISION PETITION.

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