

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**27 WRIT PETITION NO.1419 OF 2023**

**GOPAL BHAVLAL KOLI AND OTHERS  
VERSUS  
M/S HINDUJA LEYLAND FINANCE LTD GPA HOLDER  
NAMELY ANIL RANGNATH PATIL AND ANOTHER**

...

Advocate for Petitioners : Mr. Atmaram J. Patil  
AGP for Respondent – State : Mrs. G.L. Deshpande

...

**CORAM : SHARMILA U. DESHMUKH, J.**

**DATE : 08-02-2023**

**PER COURT :**

. Heard.

2. The petitioners are aggrieved by the order dated 01.02.2020 passed by the 4<sup>th</sup> Jt. Civil Judge, Senior Division, Jalgaon below Exh.28 in A.R.D. No.134 of 2018 raising an objection to the execution of the arbitration award. The learned counsel for the petitioners submits that the Executing Court has no jurisdiction to execute the award. He further submits that the award was not properly stamped and that the award was passed in Chennai and the execution proceedings have been filed in Jalgaon.

3. Considered the submissions of the petitioners.

4. The admitted position is that the award has not been challenged by the petitioners under Section 34 of the Arbitration and

Conciliation Act and all the submissions, except the objection as to jurisdiction of the Executing Court, are required to be taken up in the challenge to the award under Section 34. It appears that as the period of limitation is expired, the present petition has been preferred before this Court.

5. As regards the jurisdiction of the Executing Court is concerned, the issue is no longer *res integra* and is covered by the decision of this Court in the case of **Akola Janta Commercial Cooperative Bank Ltd vs. Raju Nattuji Bhade** arising out of Letters Patent Appeal No.229 of 2010 dated 23.02.2010 wherein this Court has held that the award must be treated as the decree passed by the District Judge and therefore it may be executed either by the District Judge or any Court to which it may be sent by such District Judge for execution under Section 38 of CPC. The decision is a complete answer to the submission of the petitioners as regards the jurisdiction of the Executing Court.

6. Apart from the above, the learned counsel for the petitioners submits that the machinery of the petitioners is at Jalgaon and as such, the Executing Court would be the Court which would have the jurisdiction over the movable / immovable properties of the judgment debtor.

7. For the reasons above, there is no merit in the petition.

Writ petition stands dismissed.

( SHARMILA U. DESHMUKH, J. )

GGP