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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.555 OF 2023

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PRA Realty Commercial Development
LLP, through Managing Director
Rustom Bharucha

... Applicant

V/s.

Astrix Realty, through partners
Harish Solanki & Naresh Solanki

... Respondent

Mr. S.S. Patwardhan i/by Ms. Mrinal Ashwin Shelar for
the applicant.

Mr. G.S. Godbole, Senior Advocate with Mr. Sumit
Kothari and Ms. Deepashikha Godbole for the
respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2023

PC.:

1. By the impugned order dated 1 September 2023, the District Judge-2, Pune has rejected objection raised by the judgment debtor requesting dismissal of the Execution Petition on the ground of jurisdiction.

2. According to the applicant, only Principal Civil Court of original jurisdiction, i.e. Principal District Judge has power to entertain Execution Petition. According to him, either the Principal District Judge or his delegate to whom the proceedings are

transferred can entertain Execution Petition of the Award passed under the Arbitration and Conciliation Act, 1996.

3. Learned Senior Advocate for the respondent invited my attention to the order dated 11 February 2022 passed by District Judge-1, Pune in the same Execution Petition partly allowing objection raised by the judgment debtor that the District Judge-1 had no jurisdiction to entertain the Execution Petition. While deciding the application, District Judge-1, Pune passed following order:

“1) Application is partly allowed.

2) Issue letter to Hon’ble Principal District Judge, Pune for transfer of this matter to the Court of District Judge-2, Pune which is a Commercial Court.”

4. The decree holder in paragraph 6 of the impugned order submitted before the Court that in accordance with the order passed by District Judge-1, Pune, reference was made to the Principal District Judge and thereafter the Execution Petition has been transferred to the District Judge-2, Pune.

5. Considering the scheme of Bombay Civil Courts Act, 1969 and the status of District Judge coupled with the reference made in the order dated 11 February 2022, in my opinion, it appears that the Execution Petition has been transferred to the District Judge-2, Pune by the Principal District Judge. Therefore, the District Judge-2, Pune has passed impugned order as the delegate of Principal District Judge. Therefore, the District Judge being Principal Civil Court of original jurisdiction has power to entertain Execution

Petition.

6. Hence, I find no error of jurisdiction while rejecting the objection of the applicant.

7. The civil revision application stands rejected. No costs.

(AMIT BORKAR, J.)