



WEB COPY



CRP No.2156 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM:

THE HONOURABLE Mr. JUSTICE V.LAKSHMI NARAYANAN

CRP No.2156 of 2012 and MP No.1 of 2012

Union of India Rep by the
Director of Supplies & Disposals,
New CGO Buildings, 5th & 6th Floor,
New Marine Lines, Mumbai-400 020

.... Petitioner

Vs

M/s Pioneer Textiles,
Trichy Road, Ramanoor,
Pasupathypalayam Post,
Karur-639004

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure against the fair and decreetAL order of the learned District Judge, Karur dated 07.07.2009 made in E.P No.45 of 2006 in Arbitration Case No.61-B of 1999.

For Petitioners : Mr.S.Janarthanam

For Respondent : No appearance



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ORDER

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This Civil Revision Petition arises against a dismissal of E.P.No.45 of 2006 on the file of District Court, Karur. The civil revision petitioner had obtained an award in Arbitration Case No.61-B/1999 on 06.08.1999. In order to put the award into execution, E.P.No.45 of 2006 was presented before the learned District Judge, Karur. The learned District Judge, Karur dismissed the execution petition on the ground that no transmit order was passed under Order 21 Rule 6 of Civil Procedure Code.

2. The position of law has been settled in the case of ***Kotak Mahindra Bank Ltd vs Sivakama Sundari S.Narayana S.B.Murthy*** reported in ***2011 (6) CTC 11*** and ***Sundaram Finance Limied vs Abdul Samad and Ors*** reported in ***AIR 2018 SC 965***.

3. Both the judgements have held that there is no question of transmission of a decree when it is passed under Arbitration and Conciliation Act. Consequently, the order of the learned District Judge, Karur is set aside and E.P.No.45 of 2006 is restored into file. The learned District Judge, Karur is



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directed to proceed with EP No.45 of 2006 in accordance with law.

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4. With the above observation, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

sr

To

The District Court, Karur



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V.LAKSHMINARAYANAN,J.,

SR

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