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CRP.No. 3308 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRP.No. 3308 of 2023

M/s. Gokul Jal
Represented by its Managing Partner
Murari Agarwal

... Petitioner

Versus

1.M/s. Candian Crystalline Water (India) Pvt., Ltd.
Represented by its Director

2.Divisional Manager
M/s. Candian Crystalline Water (India) Pvt., Ltd.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prays to direct the XXVI Assistant Judge, City Civil Court, Chennai to dispose of the EP.No 792 of 2017 on the file of XXVI Assistant Judge, City Civil Court, Chennai in AC.No. 92 of 2014 on the file of Sole Arbitrator, Karnataka.

For petitioner : Mr.P. Sidharthan



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ORDER

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This Civil Revision Petition has been filed seeking a direction to the XXVI Assistant Judge, City Civil Court, Chennai, to dispose of the EP.No 792 of 2017 in A.C.No. 92 of 2014 on the file of Sole Arbitrator, Karnataka.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. It is seen that as per the award passed by the Arbitral Tribunal against the Judgment Debtors by order dated 30.03.2015, the Judgment Debtors have not paid the entire award amount. Subsequently, no appeal has been filed by the Judgment Debtors. The Decree Holder preferred Arbitration Case No. 1 of 2015 for enhancement of the award. Pursuant to the same, the Decree Holder filed E.P.No. 123 of 2016 before the District and Sessions Court, Bagalkot, Karnataka, and it was dismissed on 29.09.2016 by directing the Decree Holder to file the execution proceedings against the Judgment Debtors who are residing at Chennai.



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4. Today, when the matter was taken up for hearing, the learned counsel for the revision petitioner submitted that as per the direction by the Arbitral Tribunal, the petitioner/Decree Holder filed EP.No. 792 of 2017 in AC.No. 92 of 2014 before the XXVI Assistant City Civil Court, Chennai, against the Judgment Debtors and the same is pending for more than six years without any payment. Hence, the petitioner is entitled for award amount nearly about 1 Crore by virtue of Award. While that being the case, the respondents/Judgment Debtors are making all efforts to prolong the case by frequently changing the address, which has also caused much delay. Therefore, the learned counsel seeks a direction to dispose of the EP.No. 792 of 2017 pending on the file of XXVI Assistant City Civil Court, Chennai.

5. Considering the above facts and circumstances of the case and the submission made by the learned counsel for the revision petitioner, this Court is inclined to pass the following order:-

“The trial Court to dispose of the EP.No 792 of 2017 pending on the file of XXVI Assistant Judge, City Civil Court, Chennai, as expeditiously as possible in accordance with law”.



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6. The Civil Revision Petition is disposed of with the above direction.

However, there shall be no order as to costs.

11.09.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

msm

To

1. The XXVI Assistant Judge, City Civil Court, Chennai.
2. The Section Officer, High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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