



A.No.415 of 2023
in
E.P.DR.No.122191 of 2022

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ABDUL QUDDHOSE.J.,

This application has been filed under Order XXI Rule 41 of the Code of Civil Procedure, 1908, seeking for disclosure of assets belonging to the respondents / Judgment Debtors. The petitioners / Decree Holders are having the benefit of an arbitral award dated 10.02.2022 and the amended award dated 31.03.2022 passed in their favour. As per the arbitral award and the amended award, certain sums of money have been directed to be paid by the respondents to the petitioners. The award passed by the arbitral tribunal dated 10.02.2022 and the amended award dated 31.03.2022 have now attained finality, as no application under Section 34 of the Arbitration and Conciliation Act, 1996, has been filed by the respondents to challenge the said awards.

2. The petitioners have filed this execution petition before this Court on the ground that the first respondent is owning properties in the city of Chennai and they seek for execution of the arbitral award against those properties. A counter affidavit has been filed by the respondent Nos.1 and 2



and the respondent No.4 separately. In both the counters, they raised the jurisdiction issue.

3. According to the Judgment Debtors, as seen from the counter of the respondent Nos.1 and 2, they have categorically denied the ownership of any property by them in the city of Chennai and they have also disputed the jurisdiction of this Court and on that ground, they seek dismissal of this execution petition. The respondent No.3 has not filed its counter in this application. The respondent No.4 has also filed its separate counter, in which, they are more or less raising similar contentions as raised by the respondent Nos.1 and 2, but, in one of the paragraphs of the counter, they admit that the Government of Puducherry is owning a small guest house in the city of Chennai, which will not be able to satisfy the dues of the Decree Holders, even if the said decree is executed against the said asset. Further, it is their contention that Government of Puducherry is not a party to the arbitration proceedings and further the guest house is also owned by the public works department of the Government of Puducherry.



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7. For the foregoing reasons, this application is allowed as prayed for by directing the respondents / Judgment Debtors to disclose the details of all properties owned by them in the city of Chennai to enable the petitioner to execute the arbitral award dated 10.02.2022 and the amended arbitral award dated 31.03.2022 in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. This order is passed without prejudice to the rights and contentions of the respondents raising objections with regard to the maintainability of the execution petition on jurisdictional issues.

9. Application Nos.4793 and 4765 of 2023 filed by the respondent No.4 questioning the jurisdiction of this Court to adjudicate this execution petition will be taken up for hearing once the disclosure of the assets is made by the respondents as per this Court's order today.

20.09.2023

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