



C.R.P.(MD) No.1845 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1845 of 2023

Sengottuvel

... Petitioner

Vs.

1.Shanthi

2.The General Manager,
CMTS, BSNL, Trichy – 1.

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Kulithalai, Karur District to dispose Arbitration E.P.No.37 of 2020 expeditiously, within a period as fixed by this Court.

For Petitioner : Mr.S.Jayavel

ORDER

The above Civil Revision Petition has been preferred by the petitioner for speedy disposal of Arbitration E.P.No.37 of 2020 on the file of the Subordinate Court, Kulithalai, Karur District. Since this Civil Revision Petition preferred by the petitioner is only for speedy disposal, notice for the respondents is not required and is therefore dispensed with.



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2. According to the petitioner, he is an award holder for a sum of Rs.5,81,000/- dated 17.02.2020. It is submitted that during the Arbitration Proceedings, the learned Arbitrator passed an interim order of attachment on 27.01.2020 for the sum not exceeding the amount under Arbitration with interest and incidental fees and the said interim order was made absolute on 27.01.2020.

3. It is further submitted that so far, no application under Section 34 of the Arbitration and Conciliation Act, 1996 is preferred against the award of the learned Arbitrator dated 17.02.2020. Hence, the petitioner filed Execution Petition under Section 36 of the Arbitration and Conciliation Act, 1996 read with Order 21 of the Code of Civil Procedure, 1908, in Arbitration E.P.No.37 of 2020, to pass an order under Order 21 Rule 46A / 48A of the Code of Civil Procedure, 1908 directing the second respondent to deposit a sum of Rs.5,81,000/- as per the Award of the learned Arbitrator dated 17.02.2020 in Arb. Case No.1 of 2020. However, till date, no order is passed in the Arbitration E.P.No.37 of 2020 and therefore, the petitioner was constrained to file this Civil Revision Petition for speedy disposal of the Arbitration E.P.No. 37 of 2020.



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4. The learned counsel appearing for the petitioner has relied upon a decision of the Hon'ble Apex Court in the case of **Rahul S. Shah Vs. Jinendra Kumar Gandhi and others**, reported in (2021) 6 SCC 418, in which case, it was held that Executing Court must dispose of the Execution Proceedings within a period of six months from the date of filing of the Execution Petition, which may be extended only by recording reasons in writing for such delay.

5. On perusal of the records, it is seen the Arbitration E.P. is of the year 2020 and the Executing Court without any valid reasons is adjourning the matter periodically.

6. Hence, the learned Sub Judge, Kulithalai, Karur District is directed to dispose the Arbitration E.P.No.37 of 2020, without giving any unnecessary adjournments, by affording sufficient opportunities to the parties to put forth their contentions, expeditiously, within a period of three months from the date of receipt of a copy of this order.



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7. Accordingly, this Civil Revision Petition is disposed of with the above direction. No cost.

31.07.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To
The Judge,
Subordinate Court,
Kulithalai, Karur District.

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