



WEB COPY



E.P.Nos.96 and 97 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

EP NO. 96 of 2023 & E.P.NO.97 of 2023

M/s.Pioneer Polyleathers Pvt Lt
Plot no.5732,A Block, Street no.81,
Raghurpura, Karol Bagh, New Delhi 110005

Petitioner(s)

Vs

M/s.Comper Products Co
824, 35th st., Periyar Nagar, Korattur,
Chennai-600080 and 3 Others

Respondent(s)

EP NO. 96 of 2023

For Petitioner(s):

M/s.G.Adithyaraj
G.Dhinesh
Preeti Goel
Prateek Tomar
Priyanka Dhyani

For Respondent(s):

M/s. P.C.Harikumar & Associates

S.Charuhasan

Vak for 1 to R3 in D.No.38029/2023

JD4-HDFC BANK 253, New No.36, TNHB Colony,
II Street, Korattur, Chennai - 6t00 080.



E.P.Nos.96 and 97 of 2023

WEB COPY

EP NO. 96 of 2023

To

1. M/s.Comper Products Co
824, 35th st., Periyar Nagar, Korattur, Chennai-
600080

2. S.V.Raman
824, 35th st., Periyar Nagar, Korattur, Chennai-600080

3. Raghunaath
824, 35th st., Periyar Nagar, Korattur, Chennai-600080

4. HDFC Bank
253, New No.36, TNHB Colony, II Street, Korattur, Chennai - 6t00 080.

EP NO. 97 of 2023

AND

A NO. 2134 OF 2024

M/s.Pioneer Polyleathers Pvt Lt
Plot no.5732,A Block, Street no.81,
Raghurpura, Karol Bagh, New Delhi 110005

Petitioner(s)

Vs

M/s.Comper Products Co
824, 35th st., Periyar Nagar, Korattur,
Chennai-600080 and 2 Others

Respondent(s)

A NO. 2134 of 2024

M/s.Comper Products Co and 2 others
824, 35th st., Periyar Nagar, Korattur,
Chennai-600080 and 2 Others



E.P.Nos.96 and 97 of 2023

Applicant(s)

Vs

M/s.Pioneer Polyleathers Pvt Ltd
824, 35th st., Periyar Nagar, Korattur,
Chennai-600080

Respondent(s)

EP NO. 97 of 2023

For Petitioner(s):

M/s.G.Adithyaraj
G.Dhinesh
Preeti Goel
Prateek Tomar
Priyanka Dhuani

For Respondent(s):

M/s. P.C.Harikumar & Associates

Affidavi D.No. 49012, 49014, Dt. 17/12/2024

S.Charuhasan

Vak for R1 to R3 in D.No.38593/2023

Respondent Set Ex-parte On Dt: 14/02/2024

A NO. 2134 of 2024

For Applicant(s):

M/s. P.C.Harikumar and Associates
S.Charuhasan

For Respondent(s):

COMMON ORDER

The Execution Petitions have been filed to execute the award
in favour of the Decree-Holder by attachment of the bank account



E.P.Nos.96 and 97 of 2023

belonging to the respondent (E.P.No.96 of 2023) and attaching the immovable property belonging to the respondent (E.P.No.97 of 2023).

The Judgment Debtors have been taking time till today on the ground that a Section 34 petition is pending before the Delhi High Court and that initially a stay was granted and the Judgment Debtor had moved for modification of the condition imposed for grant of stay. However, the learned counsel for the Decree-Holder submits that till date there has been no modification of the order passed by the Delhi High Court and despite direction to deposit the entire amount, the same has not been complied with even as on date and therefore there is no stay. The learned counsel would further submit that there is no impediment for the Execution Petitions being ordered as prayed for, since the Judgment Debtor has admittedly not satisfied the awards.

2. Per contra, Mr.P.C.Harikumar, learned counsel for the Judgment Debtor would take a preliminary legal submission that the bank account as well as immovable property are situated outside the territorial jurisdiction of this Court and in terms of Section 2(e) of Arbitration and Conciliation Act as well as Section 3 of the Commercial Courts Act amending the Code of Civil Procedure and Clause 11 of



E.P.Nos.96 and 97 of 2023

Letters Patent Act, this Court cannot entertain the Execution Petitions and try the same.

3. In the counter affidavit filed, the Judgment Debtor has not raised this point and therefore the learned counsel for the applicant would request the Court to negative the preliminary issue taken by the learned counsel for the judgment debtor.

4. No doubt, the judgment debtor has not taken this preliminary objection at any point of time, including in the counter filed in the E.P.No.97 of 2023. However, considering the fact the Execution Petitions are pending from 2023, **I direct the Registry to transfer the Execution Petitions to the Commercial Court at Tiruvallur which is the competent Court of jurisdiction to execute the award.** It is made clear that the Commercial Court, Tiruvallur shall proceed with the Execution Petitions from the present stage. On transfer, the Commercial Court shall issue notice to both the parties to fix a date of hearing and proceed with the hearing of the Execution Petitions from the present stage and decide the same expeditiously, in accordance with law.



E.P.Nos.96 and 97 of 2023

WEB COPY

5. Anyhow, this being an issue of jurisdiction and brought to the notice of this Court before orders were passed, this Court cannot close its eyes and ignore the quo of jurisdiction. Hence, the Execution Petitions cannot be proceeded with before this Court.

20.12.2024

nvi

To

1. M/s.Comper Products Co
824, 35th st., Periyar Nagar, Korattur, Chennai-
600080

2. S.V.Raman
824, 35th st., Periyar Nagar, Korattur, Chennai-600080

3. Raghunaath
824, 35th st., Periyar Nagar, Korattur, Chennai-600080

1. M/s.Pioneer Polyleathers Pvt Ltd
824, 35th st., Periyar Nagar, Korattur, Chennai-
600080



WEB COPY



E.P.Nos.96 and 97 of 2023

P.B.BALAJI,J.,

nvi

EP NO. 96 of 2023 & E.P.NO.97 of 2023

20.12.2024