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A.Nos.5732 and 5733 of 2024

Application Nos.5732 and 5733 of 2024

in

Application No.2893 of 2024

in

E.P.No.68 of 2023

ABDUL QUDDHOSE, J.

T.Gagarin

.. Applicant / Judgment Debtor

Vs.

M/s.RS Development and Construction

India Pvt. Ltd.,

Erode.

.. Respondent / Decree Holder

This application has been filed challenging the order passed by the learned Master in A.No.2893 of 2024 in E.P.No.68 of 203, dated 23.08.2024.

2. A.No.2893 of 2024 was filed by the applicant before the learned Master to initiate proceedings for the offence of perjury against the Directors of the respondent company.

3. The respondent is the decree holder having obtained an arbitral award in their favour against the applicant. The applicant had contended



A.Nos.5732 and 5733 of 2024

before the learned Master that the agreement relied upon by the respondent is a forged document and based on the said agreement, a false arbitral award came to be passed in favour of the respondent against the applicant. While dismissing the application filed by the applicant, the learned Master has given the following reasons:-

(a) Once the award is passed, the Master Court being an execution court cannot travel beyond the decree to look into the genuineness of the document.

(b) Assuming that the document is forged or concocted one, it is only the court, which is dealing with the application filed to set aside the arbitral award, which has to adjudicate the said contention and not the execution court.

(c) The applicant has already initiated criminal proceedings against the award holder and cognizance of offence has already been taken by the Magistrate Court. Therefore, the applicant can very well proceed with the same and prove the offence if any committed by the respondent. If the award is obtained by committing any fraud or by forged document, it is always open for the applicant to file an application to set aside the same in accordance with law and therefore, remedy available to the



A.Nos.5732 and 5733 of 2024

applicant is somewhere else and not before the execution court.

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4. This Court finds no infirmity in the reasons given by the learned Master for dismissing the application filed by the applicant/judgment debtor. Accordingly, A.No.5732 of 2024 is dismissed. Consequently, A.No.5733 of 2024 filed by the applicant seeking to stay EP proceedings is closed.

14.07.2025

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