

TSME0A0074912022



Presented on : 22-10-2022
Registered on : 22-10-2022
Decided on : 04-07-2025
Duration : 2 years, 8 months, 13 days

IN THE COURT OF
Principal Junior Civil Judge-cum-Judicial Magistrate of First Class,
Medak AT MEDAK ,MEDAK
Presided Over by Smt. R.Siri Sowjanya

EP/140/2022

Exhibit No.:

:
M/s.Kapila Chits (Hyd) Pvt. Ltd. Medak rep. by S.Kistaiah
Age: 0
Occupation :
Address: Medak

VERSUS

:
N.Venugopal Reddy and 5 others
Age: 42
Occupation :
Address: Pambanda village

Advocate for : G.Santhosh Reddy

Advocate for : appearing for N.Venugopal Reddy and 5 others: Advocate
appearing for respectively.

Claim :

JUDGMENT
(Delivered on 04-07-2025)

Upon going through the certified copy of the award in Arbitration case it was passed by the sole-arbitrator who was appointed unilaterally by the decree-holder without obtaining the consent of the Judgment-Debtors herein. The arbitration award is showing that the respondents therein i.e. judgment Debtors herein were set exparte in the said proceedings and there is no record to show that they have consented for the appointment of any such Arbitrator. There is no record to show that the Decree holder herein has approached the Hon'ble High court for appointment of Arbitrator U/s 11 of Arbitration & Conciliation Act 1996. The Honble Supreme Court in Kotak Mahindra Bank Limited Vs. Narendra Kumar Prajapathi in SLP (Civil) Diary No. 47322/2023 dated 17.05.2023 has observed as follows: From Paragraph 6 of the Impugned order, it appears to be an admitted position that the Arbitrator unilaterally appointed by the petitioner was ineligible to be appointed as an Arbitrator by virtue of section 12 (5) of the Arbitration and Conciliation Act 1996. Hence in view of this peculiar factual position, no case for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave petition is accordingly dismissed. In the light of above said legal position this court is of the opinion that the decree-holder has no right to execute the above said award against judgment-debtor. Conse-sequently, the Execution Petition is liable to be dismissed. In the result, Execution Petition is dismissed.

ORDER

Date : 04-07-2025

(Smt. R.Siri Sowjanya)

Principal Junior Civil Judge-cum-Judicial

Magistrate of First Class, Medak

MEDAK ,MEDAK

Dictated on :

Transcribed on :

checked on :

Signed on :

(Smt. R.Siri Sowjanya)

{JUDGE_DESIGNATION_NAME}

MEDAK ,MEDAK

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