

## Venugopal.G.Rao Vs M/S. Excel Radiators Private Limited & Ors

**Court:** Karnataka High Court At Bengaluru

**Date of Decision:** Feb. 5, 2025

**Acts Referred:** Arbitration And Conciliation Act, 1996 â€” Section 36

**Hon'ble Judges:** Jyoti Mulimani, J

**Bench:** Single Bench

**Advocate:** C. Sadashiva, Prashanth Chandra.S.N, B.V. Krishna

**Final Decision:** Allowed

### Judgement

Jyoti Mulimani, J

1. Sri.C.Sadashiva., counsel on behalf of Sri.Ganapathi Subbaraya Bhat., for the petitioner has appeared in person.

Sri.B.V.Krishna., counsel for the respondents have appeared through video conferencing.

2. The captioned Writ Petition is filed seeking a Writ of Certiorari to quash the order dated:31.01.2020 passed by the XX Addl. City Civil and Sessions

Judge (CCH-32), Bengaluru City on I.A.No.I in A.S.No.51/2016 vide Annexure-A.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the Writ papers with care.

4. Suffice it to note that the Arbitrator passed the award on 21.12.2015 and the same was assailed by the petitioner before the XX Addl. City Civil and

Sessions Judge (CCH-32), Bengaluru City in A.S.No.51/2016. It is pivotal to note that the petitioner filed an application for stay of the arbitral award.

The application was not considered by the Trial Court. Hence, the petitioner was constrained to approach this Court in Writ Petition No.22882/2016.

This Court vide order dated:22.04.2016 stayed the execution of the award subject to the petitioner depositing 50% of the amount awarded within three

weeks. It is also noticed that the petitioner deposited 50% of the amount i.e., Rs.5,15,094/- in demand draft No.467198 dated:06.05.2016 drawn on

Deutsch Bank, Raheja Tower, M.G. Road, Bangalore in favour of Registrar, the City Civil Court, Bengaluru.

The Writ Petition No.22882/2016 was disposed of on 07.02.2019 directing the Trial Court to pass the speaking order on interim application. The Trial

Court on 31.01.2020 rejected the stay application on the ground that the petitioner has not stated that he is ready to obey the conditions as enumerated

under Section 36 of Arbitration and Conciliation Act, 1996 and declined to grant the stay of the order. This is untenable. The reason is plain. This

Court had granted stay of the arbitral award subject to petitioner depositing 50% of the award. The petitioner has obeyed the order of this Court and

he has made the deposit. Because of the deposit of the 50% of the award amount by the petitioner, this Court deems it proper to quash the impugned

order.

The Writ of Certiorari is ordered. The order dated:31.01.2020 passed by the XX Addl. City Civil and Sessions Judge (CCH-32), Bengaluru City on

I.A.No.I in A.S.No.51/2016 vide Annexure-A is quashed.

A direction is issued to the Trial Court to dispose of the case on the merits at the earliest. The interim order granted by this Court shall continue to

operate till the disposal of the case before the Trial Court. The parties are directed to co-operate with the Trial Court for the speedy disposal of the

matter.

5. Resultantly, the Writ Petition is allowed. The Registry concerned of the Trial Court is hereby directed keep the amount that has been deposited by

the petitioner in fixed deposit.