

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

CIVIL REVISION PETITION Nos: 3404 and 3407 of 2024

Civil Revision Petition No.3404 of 2024

Petition filed under Article 227 of Constitution of India aggrieved by the Order dated 05-08-2024 passed in I.A.No.1800 of 2023in ARB.OP.No.130 of 2023 on the file of the Court of the XI Additional Chief Judge, City Civil Court, Hyderabad.

Between:

GURRAM SAI KIRAN REDDY, S/o.G.Narsimha Reddy, Age: 37 years, Occ: Business, R/o.H.No.2-1/1, Gurramguda village, Balapur Mandal, Ranga Reddy District.

...REVISION PETITIONER/PETITIONER/PETITIONER

AND

- 1. K.LAKSHMI DEVI, W/o.K.Gandhi, Age: 65 years, Occ: Business, R/o. Banyan Tree Retreat Thummalur Village, Maheshwaram Mandal, Ranga Reddy District.**
- 2. K.SANGA REDDY, The Hon'ble Sole Arbitrator, R/o.H.No.1-112/SY-63/RAE/711, Rasun Ace Elysian, Hanuman Nagar, Raghavendra Colony, Kondapur, Ranga Reddy District.**

(Respondent No.2 is not necessary Party)

...RESPONDENTS/RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to take all his fittings, fixtures, furniture, Air conditioners, Kitchen equipment's and other belongings of the petitioner over the schedule property.

IA NO: 2 OF 2024

Petition under Order 41 Rule 27 R/w Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to RECEIVE the CC of Registered Lease Agreement Dated 05-01-2024 bearing Document No.86 of 2024.

**Counsel for the Petitioner: Sri Resu Mahender Reddy, Counsel representing
Sri K. Pradeep Reddy**

Counsel for the Respondent: Sri K.S.Sunil

Civil Revision Petition No.3407 of 2024

Petition filed under Article 227 of Constitution of India aggrieved by the Order dated 28-03-2024 passed in I.A.No.1794 of 2023 in ARB.OP.No.130 of 2023 on the file of the Court of the XI Additional Chief Judge, City Civil Court, Hyderabad.

Between:

**GURRAM SAI KIRAN REDDY, S/o.G.Narsimha Reddy, Age: 37 years, Occ: Business, R/o.H.No.2-1/1, Gurramguda village, Balapur Mandal, Ranga Reddy District.
...REVISION PETITIONER/PETITIONER/PETITIONER**

AND

- 1. K.LAKSHMI DEVI, W/o.K.Gandhi, Age: 65 years, Occ: Business, R/o. Banyan Tree Retreat Thummalur Village, Maheshwaram Mandal, Ranga Reddy District.**
- 2. K.SANGA REDDY, The Hon'ble Sole Arbitrator, R/o.H.No.1-112/SY-63/RAE/711, Rasun Ace Elysian, Hanuman Nagar, Raghavendra Colony, Kondapur, Ranga Reddy District.**

(Respondent No.2 is not necessary Party)

...RESPONDENTS/RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings of the Arbitral Award dated 03-07-2023 in Arbitration Case No.2/KSR-DJR/2022 passed by the Respondent No.2 Arbitral Tribunal.

**Counsel for the Petitioner: Sri Resu Mahender Reddy, Counsel representing
Sri K. Pradeep Reddy**

Counsel for the Respondent: Sri K.S.Sunil

The Court made the following: COMMON ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY
CIVIL REIVISON PETITION NOs.3404 AND 3407 OF 2024

COMMON ORDER: *(Per the Hon'ble Sri Justice Abhinand Kumar Shavili)*

Both these Civil Revision Petitions are being disposed of by way of this common order as the issue raised in these two Revision Petitions is one and the same.

2. Heard Sri Resu Mahender Reddy, learned Senior Counsel representing Sri K.Pradeep Reddy, learned counsel on record appearing for the revision petitioner and Sri K.S.Sunil, learned counsel for the respondents in both the Civil Revision Petitions.

3. C.R.P.No.3407 of 2024 is filed aggrieved by the interlocutory order dated 28.03.2024 passed in I.A.No.1794 of 2023 in ARB.O.P.No.130 of 2023 by the XI Additional Chief Judge, City Civil Court, Hyderabad (for short, 'the trial Court'), wherein, the application filed by the petitioner for stay of operation of award dated 03.07.2023 passed by the Arbitrator, was not stayed. C.R.P.No.3404 of 2024 is filed aggrieved by the interlocutory order dated 05.08.2024 passed in I.A.No.1800 of 2023 in ARB.O.P.No.130 of 2023 by the trial Court, wherein the

application filed by the petitioner seeking permission to break open the locks of the petition schedule property/lease premises and permit him to take his articles from the lease premises, was dismissed.

4. For convenience, facts in C.R.P.No.3407 of 2024 are discussed hereunder.

5. It has been contended by the petitioner that he was tenant of respondent No.1, who was the owner of the lease premises and as per the registered Lease Deed the lease period was from 01.07.2017 till 30.06.2021. There were certain disputes arose between the petitioner and respondent No.1 and business of the petitioner was severely affected during Covid period. As per the registered Lease Deed, there was an Arbitration clause. As per Arbitration Clause, both the petitioner as well as respondent No.1 have filed Arbitration Application before this Court for appointment of Arbitrator under Section 11(6) of the Arbitration and Conciliation Act (for short, 'the Act') and this Court was pleased to appoint respondent No.2 as an Arbitrator. The Arbitrator has passed an award on 03.07.2023, directing the

petitioner to vacate the lease premises and also directed the petitioner to pay mesne profit to an extent of Rs.57,84,000/-.

6. Aggrieved by the award dated 03.07.2023, the petitioner has preferred appeal under Section 34 of the Act i.e., ARB.O.P.No.130 of 2023. Further, the petitioner has moved (i) I.A.No.1800 of 2023 in ARB.O.P.No.130 of 2023 contending that he be permitted to break open locks of the petition schedule property and be permitted to take away the articles, which are existing in the lease premises, however, said I.A. was dismissed by the trial Court *vide* order dated 05.08.2024 and the petitioner has also moved (ii) I.A.No.1794 of 2023 seeking stay of operation of the award dated 03.07.2023 passed by respondent No.2 and the said application was also dismissed by the trial Court *vide* order dated 28.03.2024.

7. Learned counsel for the petitioner had contended that if only the petitioner be permitted to take away articles, which are lying on the lease premises, he would be in a position to start business in new premises. But this fact was not properly appreciated by the trial Court and the trial Court has mechanically dismissed the said I.As. Therefore, learned

counsel prays this Court to pass appropriate orders in the present Civil Revision Petitions by setting aside the order passed by the trial Court in I.A.No.1800 of 2023 in ARB.O.P.No.130 of 2023, dated 05.08.2024 and permit the petitioner to collect his articles, which are lying in the lease premises subject to the condition that the petitioner should furnish bank guarantee to the tune of Rs.57,84,000/- and he would ensure that the Bank guarantee in operation till the disposal of Arbitration OP before trial Court.

8. Learned counsel for the respondents on instructions had informed the Court that let the petitioner be permitted to take his articles from the lease premises by furnishing bank guarantee to the tune of Rs.57,84,000/- and also ensure that the said bank guarantee is in operation till disposal of the arbitration O.P.

9. This Court, having considered the rival submissions made by learned counsel appearing for both the parties, is of the considered view that both the Civil Revision Petitions can be disposed of by permitting the petitioner to collect his articles, which are lying in the lease premises, subject to the condition

that the petitioner should furnish bank guarantee to the tune of Rs.57,84,000/- and such bank guarantee should be in operation till the disposal of Arbitration O.P. Further, Mr.GRS.Akhileswar is appointed as Advocate Commissioner to ensure that the petitioner collect his articles, which are lying in the premises, in the presence of both the parties. As far as CRP.No.3404 of 2024 is concerned, as the petitioner is permitted to take his articles subject to the condition that he should furnish bank guarantee to the tune of Rs.57,84,000/-, no order need to be passed in this Civil Revision Petition and accordingly, CRP.No.3404 of 2024 is closed. It is also made clear that if the petitioner fails in arbitration O.P.No.130 of 2023, then respondent No.1 would be entitled to encash bank guarantee or if the trial Court adjudicated arrears of rent then such arrears of rent can be encashed by respondent No.1.

10. It is made clear that before executing warrant, the Advocate Commissioner shall issue notice to both the parties fixing one week's time. We were also informed by the petitioner that it might take 20 to 30 days for removing fixtures in the lease premises, so the appropriate advocate fee would be fixed

at Rs.1,00,000/- payable by the petitioner and the Advocate Commissioner shall maintain inventory of the items, which are being removed from the lease premises.

11. With the above observations, CRP.No.3407 of 2024 is disposed of and CRP.No.3404 of 2024 is closed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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Sd/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

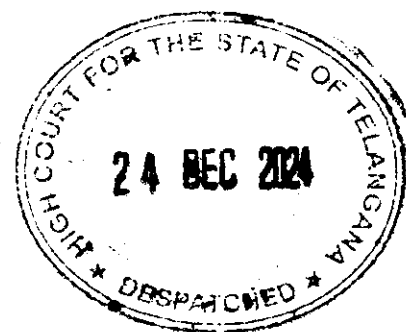
To,

1. The XI Additional Chief Judge, City Civil Court, Hyderabad.
2. One CC to Sri K. Pradeep Reddy, Advocate [OPUC]
3. One CC to Sri K.S.Sunil, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:29/10/2024



COMMON ORDER

CRP.Nos.3404 and 3407 of 2024

**CRP.No.3407 of 2024
IS DISPOSED OF
CRP.No.3404 of 2024
IS CLOSED**

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24/12/24*