
(2002) 01 SC CK 0025

In the Supreme Court Of India

Case No : SLP(C) No.-022106-022106 / 2001

Nirma Ltd.

APPELLANT

Vs

Lurgi Lentjes Energietechnik GMBH and Another

RESPONDENT

Date of Decision : 14-01-2002

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 37(2), 37(3)
Civil Procedure Code, 1908 (CPC) — Section 115

Citation : AIR 2002 SC 3695 : (2003) 1 ALLMR 366 : (2002) 3 ARBLR 30 :
(2002) 4 CompLJ 184 : (2002) 6 JT 117 : (2002) 4 LW 643 : (2002) 5 SCALE
10 : (2002) 5 SCC 520 : (2002) 3 SCR 911 : (2002) 2 UC 609 : (2002) 2 UJ 1245

Hon'ble Judges : R. C. Lahoti, J;K. G. Balakrishnan, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This is a petition under Article 136 of the Constitution of India, seeking leave to file civil appeal against an appellate order of the XIth City Civil Court, Ahmedabad, passed under Sub-section (2) of Section 37 of the Arbitration and Conciliation Act, 1996. We are not inclined to entertain this SLP inasmuch as, in our opinion, an efficacious alternate remedy is available to the petitioner by way of filing a revision in the High Court u/s 115 of the Code of Civil Procedure. Merely because a second appeal against an appellate order is barred by the provisions of Sub-section (3) of Section 37, the remedy of revision does not cease to be available to the petitioner, for the City Civil Court deciding an appeal under Sub-section (2) of Section 37 remains a court subordinate to the High Court within the meaning of Section 115 CPC. In taking this view, we find support from a decision of this Court in *Shyam Sunder Agarwal and Co. Vs. Union of India*, .

2. The SLP is, therefore, dismissed. The petitioner may file a revision before the High Court and in calculating the limitation, the petitioner shall be entitled to exclusion of time spent in this Court i.e. between the date of filing of the SLP and today.