**LANDMARK JUDGMENTS UNDER ARBITRATION ACT.**

**IV] SEC.36 ENFORCEMENT**

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| **1. AIR 2016 JHARKHAND 47** |

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| **M/s. Indusind Bank Limited, Dhanbad**v. **Rajesh Dayal** |

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| The application under Section 34 of the Arbitration and Conciliation Act, 1996 can be filed at a place where award has been given or the place where the subject-matter of arbitration is situated. In the present case, the subject-matter of arbitration was a sum of Rs. 8,62,111/- with interest and not the immovable property situated within the local limits of the Hazaribagh Court and therefore, the application under Section 34 of the Arbitration and Conciliation Act, 1996 can be filed only in the Court of competent jurisdiction at Kolkata. Merely because the property which has been sought to be sold for satisfying the award is situated within the local limits of the Hazaribagh Court, the execution application cannot be filed in the Hazaribagh Court though, the Court at Hazaribagh can execute the award in the manner provided under the Code of Civil Procedure, after its transfer for execution. |

**2. 2018 DGLS(SC) 92**

Enforcement of award execution can be filed anywhere in country where such decree can be executed and no requirement for obtaining a transfer of decree from Court, which have jurisdiction over arbitral proceedings

**3. AIR 2018 BOM 89**

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| Arbitration award - Made under Part I - enforcement - After award attains finality and crosses S. 34 stage, such final award has to be enforced in accordance with provision of Civil P.C. (1908) - As if it is decree of Court - At this stage provisions of Ss. 38, 39 of Civil P.C. (1908) come into play - Thses provisions permit decree to be executed either by Court which passed it - Or by Court to which it is sent for execution - Court passing decree can also transfer it for execution to any Subordinate Court of competant jurisdiction. |