

224.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.3769 of 2014 (O&M)

Date of decision:02.11.2015

Idea Cellular Limited and another

... Petitioners

versus

Kultar Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vishal Gupta, Advocate,
for the petitioners.

Mr. Rajesh Narang, Advocate,
for the respondent.

K.Kannan, J. (*Oral*)

1. In a contract between parties governed through the arbitral agreement, the defendant moved an application under Section 8 of Arbitration and Conciliation Act referring to the clause providing for an appointment of an Arbitrator for all disputes between parties. The argument by the plaintiff was that there was a prayer for rendition of accounts and for damages and that can be properly decided only by a civil court. The court accepted the contention and dismissed the application filed by the defendant.

2. The order is erroneous and it is set aside. Any dispute of whatever nature including a money claim and accounting would

have to be adjudicated upon by the Arbitrator and no exclusion of the jurisdiction is possible by the plaintiff for the only reason that he is making a claim for damages or for accounting. He will be at liberty to make such claim before the Arbitrator and not bring an arbitral dispute before a civil court's jurisdiction.

3. The case is directed to be referred to arbitration and either party may move for such appointment in the manner contemplated in the arbitral agreement.

4. Civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

02.11.2015
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