

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4122 of 2015

Date of Decision.06.07.2015

Vikas Kumar

.....Petitioner

Versus

Executive Engineer, Haryana State Agriculture Marketing Board, Sonapat
and another

.....Respondents

Present: Mr. Ashwani Gaur, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. There is no cause for making an intervention with the proceedings before the Court below under Section 34 of the Arbitration and Conciliation Act. The petitioner's grievance is that the documents before the Arbitrator were sought to be summoned for confronting the respondents' witnesses. The said permission was not granted. I asked the counsel to the nature of documents that were to be summoned. He refers to the fact that there had been high tension wires over the property where the construction was to begin and since, they had not been removed he could not carry on with the construction. He had given representation to the Electricity Board for removal of the high tension wires and those documents were to be confronted with the respondents' witnesses. These documents ought to be in the custody of the respondents as emanated from the petitioner and when the petitioner is

entitled to call for production of the original from the respondents themselves, there is no virtue for summoning the same from the Arbitrator. The petitioner ought to have called for the original documents from the respondents and cross-examine them. If the petitioner has allowed the opportunities given to him already to lapse and has not availed sufficient time to cross-examine, I will not interfere with the course of trial in the manner in which the matter is directed to be disposed of by the Court below. It will be open to the petitioner to make any plea before the very same Court where the case is pending.

2. With these observations, the revision petition is disposed of.

(K. KANNAN)
JUDGE

July 06, 2015
Pankaj*