

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

Civil Revision No.4195 of 2013

Date of decision: 28.04.2015

Reliance Infratel Limited and another

... Petitioners

versus

Dalbir Kaur and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. D.K. Singal, Advocate,
for the petitioners.

None for the respondents.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. In a suit for recovery of rent by the landlord, the tenant's contention was that the lease agreement provides for a term of reference of a dispute between parties to arbitration and the suit cannot, therefore, be tried. The court below dismissed the application.
2. The order is erroneous and the reference to arbitration ought to have been done on the petition filed by the tenant. The order is set aside and there shall be a direction for a reference to arbitration and the parties will resort to appropriate procedure for

appointment of an Arbitrator in the manner contemplated under the Arbitration Agreement. The trial of the suit shall not continue and the records shall be consigned to records room with liberty to parties to adjudicate the dispute by raising their claims before the Arbitrator. The order passed is set aside and the civil revision is allowed.

(K.KANNAN)
JUDGE

28.04.2015
sanjeev