

CR No.6888 of 2014 (O&M)
CR No.6889 of 2014

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

(1) **CR No.6888 of 2014 (O&M)**
Date of decision:12.01.2015

Akeel Ahmed and another ...Petitioners

Versus

M/s Reliance Capital Ltd. ...Respondent

(2) **CR No.6889 of 2014**
Date of decision:12.01.2015

Akeel Ahmed and another ...Petitioners

Versus

M/s Reliance Capital Ltd. ...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Manjit Singh, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

This order shall dispose of two petitions bearing CR Nos.6888 and 6889 of 2014 as both are inter-connected. However, the facts are being extracted from CR No.6888 of 2014.

In brief, the petitioners have challenged the order dated 02.08.2014 by which warrant of arrest has been issued against them on account of non-payment of the amount of arbitral award.

Initially, both these revision petitions were filed through

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Shri Sarfraj Hussain, Advocate, who had appeared on the last two dates but today, Shri Manjit Singh has filed his Power of Attorney bearing “no objection” by the earlier counsel. It is submitted that since the matter is pending before the Delhi High Court against the award, therefore, the execution of warrant of arrest may be stayed.

After hearing learned counsel for the petitioners and examining the available record, I am of the considered opinion that there is no substance in his argument. There is no dispute that there is an arbitral award dated 28.06.2013 against the petitioners in which they did not appear despite notice. The respondent had filed execution application in which the impugned order has been passed. It is also not disputed that the said award is under challenge before the Delhi High Court in which only notice has been issued on 24.09.2014 but at the same time, it has been found that in order to buy time to file the petition before the Delhi High Court, the petitioners initially did not appear and when they appeared, made a statement on 10.10.2014 that they would make the payment. The order recorded on 10.10.2014 by the learned Court below reads thus:-

“Vakalatnama on behalf of respondent no.1 has also been filed. For making payment, a date is requested by learned counsel for both the respondents. Now to come upon 07.11.2014 for making payment.”

However, instead of making the payment, the award has been challenged, therefore, the petitioners are approbating and reprobating before the Court and are actually playing hide and seek in order to avoid the

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payment of award.

In view thereof, I do not find any merit in both the revision
petitions and hence, the same are hereby dismissed.

January 12, 2015
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Rakesh Kumar Jain
Judge