

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

**CR No.7648 of 2014 (O&M)
Date of decision: 04.09.2015**

Mr. Sudhir Chander Rastogi

... Petitioner

Vs.

M/s Curo India (P) Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. A.S.Jattana, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 22.08.2014, whereby, the application filed by the petitioner/objector for re-casting of the issues culled out in the application has been dismissed.

Mr. Prateek Rathee, learned counsel appearing on behalf of the petitioner submits that objecting Court was required to frame the issues, as per provisions contained in Order 14 Rule 5 CPC as the issues already framed are not in consonance with the aforementioned provisions. He further submits that the trial Court has committed illegality and perversity in rejecting the application.

Mr. A.S.Jattana, learned counsel appearing on behalf of the respondent submits that the provisions of Civil Procedure Code do not apply to the petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act'). The scope of entertaining petition filed under Section 34 of the Act, is limited. In essence, it has to be within parameters of Section 34 of the Act. Thus, there is no illegality and perversity in the impugned order.

I have heard learned counsel for the parties and appraised the paper book and gone through the impugned order.

The objecting Court on the basis of the pleadings, has already framed issue which reads thus:-

“a) Whether the Award dated 5.7.2012 is liable to be set aside on the ground as alleged in the petition? OPA”

The aforementioned issue would envisage all the objections taken in the petition. Issue Nos. I to XIV, sought to be incorporated as introduced, in my view, amounts to enlarging the scope under Section 34 of the Act, which is not permissible. The Hon'ble Supreme Court in **Fiza Developers & Inter-Trade P. Ltd. vs. AMCI (I) Pvt. Ltd. & another** 2009 (4) R.C.R.(Civil) 288 has laid down that no wholesale or automatic import of all provisions of Civil Procedure Code into proceedings under Section 34 of the Act of 1996 as that will defeat the very purpose and object of the act. It has further been held that issues are not required to be framed in

application under Section 34 as objection has have to be decided summarily.

Keeping in view aforesaid observations, I do not find any illegality, infirmity and perversity in declining the application, order is passed on the applicability of law.

There is no merit in the present revision petition.

Accordingly, the same is hereby dismissed.

(AMIT RAWAL)
JUDGE

September 04, 2015
savita