

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

CWP No.2739 of 2015

Date of Decision.20.02.2015

Jarnail Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

Present: Mr. Vijay Kumar, 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. The petitioner would seek for consideration of his claim on the basis of photocopies of documents lying with the petitioner. The relief is not as innocuous as it may seem, for, what is sought to be disposed of is claim for recovery of money for the work which was completed on 18.09.2009. The normal law of limitation for recovery of money for the work done under Article 18 of the Limitation Act is three years and the suit itself could not have been filed. It appears that there was a provision for arbitral reference in case of dispute and the petitioner has already resorted to action before the Arbitrator. The Arbitrator has rejected the claim on the issue of limitation.

2. Learned counsel for the petitioner wants to point out to me that the Arbitrator was wrong in holding that the case was barred by limitation. If the Arbitrator's award was erroneous, it was bound to be set aside under Section 34 of the Arbitration and Conciliation Act by

resort to an objection before the Court of competent jurisdiction and that order cannot be challenged through writ petition for seeking for disposal of the representation. The representation cannot be disposed of even by reference to the documents in favour of the petitioner, for, there is nothing legally tenable for adjudication even before the Authorities. I decline to make any interference in favour of the petitioner.

3. The writ petition is dismissed.

(K. KANNAN)
JUDGE

February 20, 2015
Pankaj*