

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

-.-

**FAO No. 2600 of 2012
Date of Decision: 10.12.2015.**

PUNSUP

.....Appellant

Versus

M/s M. S. Rice Mills. & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present:- Mr. R.S.Dadwal, Advocate, for
Mr. Aman Chaudhary, Advocate, for the appellant.

Mr. Sherry K. Singla, Advocate, for respondent No.2.

AMIT RAWAL, J

Learned counsel for the appellant submits that Arbitrator vide award dated 22.08.2005, awarded compensation to the tune of Rs.67,58,552/- to be paid by Manohar Singh, Rice Miller. The afore-mentioned award was objected by the rice miller. During the pendency of the objections miller transferred the property in favour of their sons. Which necessitated moving of an application under Section 9 of the Arbitration and Conciliation Act, 1996, but the same has erroneously been dismissed.

This Court while issuing notice of motion has restrained alienation of the suit land.

I am of the view that it is an attempt to thwart the execution of award in case of dismissal of the objections. Even otherwise any alienation

made during the pendency of the objection petition, it would be hit by lis pendence. I am of the further view that such an act of transfer of property to the wife and sons by the rice miller, is outcome of a hunch as he had no hope of succeeding in objections.

Accordingly, the impugned judgment/order is set aside and application filed under Section 9 of the Act is allowed. The respondents and subsequent transferrers are restrained to alienate, transfer, mortgage, lease etc the property involved, till the adjudication of the objections.

The appeal stands allowed.

December 10, 2015
tripti

(AMIT RAWAL)
JUDGE