

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

**CR No. 1879 of 2016(O&M)**

**Date of decision :14.03.2016**

**Indusland Bank**

**..... Petitioner**

**Versus**

**Shiv Dayal**

**.....Respondent**

**CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.Ashwani Talwar, Advocate  
for the petitioner.

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**DARSHAN SINGH, J. (Oral)**

Learned counsel for the petitioner contended that the application of the petitioner-defendant to refer the matter to the Arbitrator as per the agreement has been dismissed simply on the ground that if the complicated question of law is involved, which requires detailed investigation and production of elaborate evidence, the matter should not be referred to the Arbitrator. He has pointed out that in the impugned order only the legal position is mentioned and no factual position has been discussed as to what complicated question of law and facts are involved in the present case. Thus, he pleaded that the impugned order is non speaking.

2. I have duly considered the aforesaid contentions

and found substance in the contentions raised by learned counsel for the petitioner. In the impugned order, the learned trial Court has relied upon some judicial precedents and mentioned that it may be beyond the purview of arbitration if the disputed question requires detailed investigation and production of elaborate evidence. In that case, the suit should be tried by the Civil Court. But, the learned trial Court has not mentioned at all in the impugned order as to what complicated question of law and facts are involved in the present case, which requires detailed investigation and production of elaborate evidence. So, the impugned order is not reasoned one.

3. Hence, the present petition is hereby allowed and the impugned order dated 15.12.2015 is set aside. The learned trial Court will pass the fresh order on the application in accordance with law. This order has been passed without issuing any notice to the respondent as issuance of notice would have only unnecessarily burdened the respondent and would delayed the proceedings.

**14.03.2016**

S.khan

**(DARSHAN SINGH)  
JUDGE**