

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 2120 of 2013 (O&M)

Date of decision: February 9,2016

Union of India and others

.....Petitioners

VS.

M/S Aggarwal traders and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE K.KANNAN

Present: Mr. A.K.Bansal, Advocate
for the petitioners.

Mr.Anil Kumar Sharma, Advocate
and Mr. Daman Dhir, Advocate
for the respondent No. 1.

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?

K.KANNAN,J (Oral)

1. The revision is against the order rejecting a plea brought by the petitioners. The award was not directed to be filed before court to secure a decree in terms of the award passed under Arbitration Act of 1940 within the period set by law. Section 14 (2) of the Act of 1940 directs that an Arbitrator shall, at the request of any party or, if so directed by the court, file the award in Court. Article 119(a) of the Limitation Act allows for a period of 30 days for filing the award into court from the date of service of notice of making of the award. Admittedly, the

respondent had been served with a notice even in the year 1996 but he filed an application only on 4th April 2002 for securing a decree in terms of the award. The application is barred by limitation. This point has also been considered by the Supreme Court in **Patel Motibhai Naranbhai and another vs. Dinubhai Motibhai Patel and others 1996 AIR (SC) 997** to hold that an application filed beyond the period prescribed under Article 19 cannot be entertained by civil court to grant a decree in terms of the award.

2. The judgment of the court below is erroneous and it is set aside. The revision petition is allowed.

FEBRUARY 09, 2016

Rajeev

**(K.KANNAN)
JUDGE**