

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

CR No.4132 of 2016(O&M)
Date of decision: 13.07.2016

Bhupinder Singh and another

... Petitioners

Versus

Magma Fincorp Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mohinder Pal, Advocate for the petitioners.

ARUN PALLI J. (Oral)

What has been assailed; are the orders, dated 21.03.2016 (Annexure P6) and 12.05.2016 (Annexure P7), whereby the petitioners (JDs) were afforded time by the executing court to file objections.

Respondent/decreed-holder has filed an execution petition seeking execution of the arbitral award, dated 13.08.2015, which was rendered pursuant to the proceedings held at Kolkata.

The only grievance being expressed by learned counsel for the petitioners is that the executing court lacks jurisdiction, for the respondent-decreed-holder has directly filed the execution petition in the court at Sirsa, without first obtaining appropriate order from the court of competent jurisdiction at Kolkata to transfer the award, in terms of the provisions of Sections 38 to 40 of the Code of Civil Procedure, for its execution.

I have heard learned counsel for the petitioners and perused the paper book.

Vide orders being assailed, the executing court simply adjourned the matter to enable the petitioners (JDs) to file objections. If the executing court, indeed, lacks jurisdiction in the matter, petitioners were/are at liberty to raise objection in this regard before the same court itself in the first instance. That being so, and without expressing any opinion on merits, the revision petition is disposed of in the above terms.

July 13, 2016
Rajan

(Arun Palli)
Judge