

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

C.R. No.518 of 2016 (O&M)

Date of Decision.27.01.2016

Ravinder

.....Petitioner

Vs.

M/s Indusind Bank Ltd. and another

.....Respondents

Present: Mr. Pawan Singh, 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. At the time of execution of the award, an objection was taken that the award before the Arbitrator had been passed ex parte without notice and therefore, execution cannot be proceeded with. The Executing Court declined to accept the objection and ordered further progress in execution by ordering arrest. The revision petitioner has a contention to make that he will apply to the competent court of jurisdiction to set aside the award under Section 34 of the Arbitration and Conciliation Act and till he moves the application and secure an interim order, there shall be stay of award. I will not make such an indulgence in a revision against an objection which on the face of it is untenable. His only remedy could have only before a Court of competent jurisdiction to set aside the award and if an application under Section 34 is filed, the same will be treated as operating as stay of the award itself.

He may move such an application in an appropriate court of jurisdiction

and inform the Executing Court of the nature of order passed by the Court where an application under Section 34 is moved. If any order is obtained, it shall be used before the Executing Court or the character of the proceedings under Section 34 itself may be considered by the Executing Court whether any arrest is possible under the changed circumstances.

2. The revision petition is disposed of with the above directions.

(K. KANNAN)
JUDGE

January 27, 2016
Pankaj*