

211.

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

Civil Revision No.7424 of 2014

Date of decision: 03.02.2016

Mahindra Finance and others

... Petitioners

versus

Gulzar Singh (deceased) through his LRs

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Nitin Thatai, Advocate,
for the petitioner.

Mr. Arvind Kashyap, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?

K.Kannan, J. (Oral)

1. There is an award passed already by the Arbitrator and it was stated to be between the same parties. If the plaintiff has come by means of a claim for accounting in relation to the dispute and the respondent points out to an arbitral award as having been already passed in respect of the same subject matter, then there is not even a scope for making a reference under Section 8 of Arbitration and Conciliation Act, for, the plaintiff's right could be prosecuted only before the Arbitrator or in a further proceeding challenging to the

Arbitrator's award and seeking for a justification for securing an account in favour of the plaintiff. The suit cannot be further prosecuted and ought to be rejected on a finding that the dispute between the parties was governed of an arbitral agreement and there had been indeed even an award by the Arbitrator.

2. The order already passed is set aside and the revision petition is allowed. The plaint is ordered to be rejected.

(K.KANNAN)
JUDGE

03.02.2016
sanjeev