

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8181 of 2016

Date of Decision: December 05, 2016

Fanesh Kumar

...Petitioner

Versus

Pernod Ricard India Pvt.Ltd.& others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Deepak Aggarwal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order, whereby the application filed by respondent No.1 for referring the claim for arbitration, has been allowed.

Mr.Deepak Aggarwal, learned counsel for the petitioner-plaintiff submits that the application under Section 8 of the Arbitration and Conciliation Act, 1996 (for short “1996 Act”) was not accompanied by any certified or original agreement and, therefore, was not maintainable. Even the request for quotation could not have been said to be an agreement and mere admission of Clause 4 would not render the Civil Court without jurisdiction in adjudication of the lis.

I have heard the learned counsel for the petitioner-plaintiff, appraised the paper book and of the view that once Clause 4 pertaining to adjudication of the lis through arbitration in case of dispute and the request for quotation has been, admitted, filing of the original or certified copy of

the agreement is not required, therefore, the mandatory requirement of law, as sought to be projected by Mr. Aggarwal, would not come to his rescue.

For the reasons noticed above, the findings rendered by the trial Court allowing the application filed under Section 8 of 1996 Act referring the parties to seek adjudication of the lis through the Arbitrator, cannot be said to be erroneous, perverse and without jurisdiction.

No ground for interference is made out.

Revision petition stands dismissed.

December 05, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No