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

FAO-2595-2010 (O&M)

Date of decision : 29.08.2016

Narinder Kaur and another

... Appellants

Versus

Harmohinder Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.K. Girdhar, Advocate
for the appellants.

Mr. I.S. Brar, Advocate
for 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?

AMIT RAWAL, J. (ORAL)

The appellants are aggrieved of the dismissal of the objections under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') for setting aside the Award dated 07.04.2006, whereby the claims of ₹ 9,04,138/- (approximately) for certain liquid damages and for separate possession of the land measuring 8 kanals 18 marals out of land measuring 22 kanals 5 marlas have been declined.

Mr. R.K. Girdhar, learned counsel appearing on behalf of the appellants submits that the Firm was constituted on 04.02.1986 consisting of five partners. It purchased the land measuring 22 kanal 5 marals vide registered sale deed dated 24.03.1986 and had constructed the plinths over the said land and then lease to the MARKFED for three years @ ₹ 1,20,000/- per annum. The Firm was were dissolved vide dissolution deed

dated 09.11.1989. The claim, aforementioned, was lodged in the year 1998 and the same was dismissed on the ground that the Firm had dissolved. He submits that the dissolution deed did not contain any element of share in the property as the aforementioned land was purchased by the Firm out of the contribution of all the five partners, thus, urges this Court for setting aside the findings under challenge.

Mr. I..S. Brar, learned counsel appearing on behalf of the respondent No.1 submits that the objections were not falling within the provisions of Section 34 of the 1996 Act. The claim was *ex facie* barred by law of limitation, even the dissolution deed dated 09.11.1989 has not been challenged, thus, urges this Court for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the dissolution deed dated 09.11.1989 contained the settlement of the share qua the property. It was too late in the day for the claimants to lodge the claim in the year 1998 and in my view, it was an act of aggrandizement, rightly so, the claim, aforementioned, has been dismissed, much less, the claim is wholly misconceived.

For the foregoing reasons, no ground is made out for interference in the findings under challenge, and accordingly, the appeal is dismissed.

29.08.2016
yogesh

(AMIT RAWAL)
JUDGE

✓
Whether speaking/reasoned Yes/ No
✓
Whether Reportable Yes/ No