

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

FAO No.3939 of 2010 (O&M)
Date of decision : 17.02.2016

M/s IndusInd Bank Ltd. and ors.

...Appellants

Versus

Madan Lal and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Ashwani Talwar, Advocate for the appellants.

Mr. Ravinder Malik, Advocate for the respondents.

AMIT RAWAL, J. (Oral)

The IndusInd Bank is aggrieved of the order dated 19.02.2010, whereby objection filed by respondents-Judgment Debtor under Section 34 of the Arbitration and Conciliation Act, (hereinafter to be referred as 'the Act') against ex parte award dated 23.08.2007, has been allowed.

Mr. Ashwani Talwar, learned counsel appearing on behalf of appellants submits that during the arbitration proceedings, despite sending notice, respondent did not appear and accordingly was proceeded ex parte. The copy of the award sent vide postal receipts, which is available at page No.49 Annexure A5 of the paper book, and had been received by the

respondent on 01.09.2007, whereas objection under Section 34 has been filed on 11.03.2008. Thus, they were beyond the limitation as prescribed under Sub-Section 3 of Section 34 of 1996 Act. This fact has totally been ignored by the Objecting Court and thus, prays for setting aside of the impugned order.

Mr. Ravinder Malik, learned counsel appearing on behalf of respondent submits that there is no compliance of provision of Sub-Section 5 of Section 31 of the Act. There is no illegality and perversity.

I have heard learned counsel for the parties and appraised the paper book.

The limitation under Sub-Section 3 of Section 34 is $90+30=120$ days. As noticed above, objections have been filed on 11.03.2008. Despite having received copy of the ex parte award dated 23.08.2007 on 01.09.2007, rightly so, objections were beyond the period of limitation. However, Objecting Court did not ponder upon and noticed the aforementioned fact and erroneously allowed the objections, which according to me were not maintainable being barred by law of limitation.

Keeping in view the aforementioned facts and circumstances, the order passed by the Objecting Court is set aside. Award of Arbitrator is restored.

Appeal stands allowed.

17.02.2016

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**(AMIT RAWAL)
JUDGE**