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

**FAO-6360 OF 2011 (O&M)
Date of decision : 09.05.2016**

Sukhraj Singh

... Appellant

Versus

Sardool Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.S. Rekhi, Advocate
for the appellant.

Mr. B.D. Sharma, 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 appellant is aggrieved of the dismissal of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') seeking setting aside of the Award dated 10.02.1998.

Mr. K.S. Rikhi, learned counsel appearing on behalf of the appellant submits that there was no written agreement entailing the parties to resolve their dispute through the appointment of Arbitrator, therefore, the Award of the Arbitrator is without jurisdiction and thus, objections, in this regard, were specifically taken, but the same have erroneously been dismissed. He further submits that the statement of the parties was not recorded, therefore, the Award is not in consonance with the provisions of the 1996 Act, thus,

prays for setting aside of the findings, under challenge.

Mr. B.D. Sharma, learned counsel appearing on behalf of the respondent(s) submits that the appellant categorically admitted in cross-examination that the Arbitrator was appointed in pursuance to the terms and conditions of the agreement dated 25.10.1996, therefore, it does not lie to agitate such plea, thus, prays for dismissal of the appeal.

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

Shorn of the aforementioned facts, particularly the cross-examination of the appellant viz-a-viz the resolution of the dispute by appointment of the Arbitrator in terms of the agreement dated 25.10.2006, the appellant cannot be permitted to resile from the same by raising an argument that there was no written agreement. The aforementioned plea has rightly been negated by the Arbitrator, much less, by the Objecting Court.

As regards the plea of Mr. K.S. Rikhi, Advocate that statement of the parties was not recorded, I am of the view that once, the parties agree to the procedure adopted by the Arbitrator, they cannot object.

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

09.05.2016
yogesh

(AMIT RAWAL)
JUDGE