

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

FAO No.4359 of 2016 (O&M)

Date of decision:01.08.2016

Girvar Singh

... Appellant

Vs.

Uttam Chand and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Shiv Kumar Sharma, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appeal is accompanied by an application seeking condonation of delay 875 days in filing the appeal. The story given in the application is that the appellant was never informed by the counsel regarding the dismissal of the objections. It is a common practice, the blame is always fastened upon the counsel but the relationship between Advocate and client is fiduciary. It is always expected from the client to contact the counsel vis-a-vis outcome of the objection petition. No explanation has come forth with regard to possibility from all corners to explain the delay.

During the course of arguments, Mr. Shiv Kumar Sharma, learned counsel for the appellant has argued that he was hospitalized but no such evidence has been placed on record before this Court. Even no explanation has come forth to explain the delay on the ground of hospitalization. Even otherwise, awards are for an amount of Rs.32,878/-

and Rs.24,128/-. The objecting Court found that the objections were not falling within the provisions of Section 34 of Arbitration and Conciliation Act, 1996, though there is modification to the extent of 9% per annum from 18% per annum to the awarding of interest.

In my view, best possible relief in such situation has already been availed. No ground is made out for interference.

For the foregoing reasons, there is no merit in the appeal. The same is dismissed on merits as well as on limitation.

August 01, 2016
savita

(AMIT RAWAL)
JUDGE

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