

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

FAO No.6491 of 2016 (O&M)

Date of decision : 26.10.2016

Radha Krishan Sharma

...Appellant

Versus

Mahindra and Mahindra Financial Services Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. B.S. Mittal, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant is aggrieved of the dismissal of the objection filed under Section 34 of the Arbitration and Conciliation Act, 1996 for want of territorial jurisdiction.

Concededly, the award of the Arbitrator has been passed at Mumbai Court. Agreement also envisages the resolution of the dispute at Mumbai Court. No doubt, for the purpose of execution, execution application has been filed at Sirsa Court owing to the residence of the appellant which is in consonance with the provision of Section 39 of the Code of Civil Procedure.

In view of the law laid down by Hon'ble Supreme Court in *State of West Bengal Vs. Associated Contractors, AIR 2015 SC 260*, remedy, if any, to file objection was at Mumbai Court but not at Sirsa Court and rightly so has been dismissed.

I do not find any illegality and perversity in the impugned order.

No ground for interference is made out.

Accordingly, present appeal is dismissed.

However, appellant is at liberty to file the objection in the competent Court having territorial jurisdiction. Period taken from filing and during the pendency of the objection shall be considered by taking the benefit of Section 14 of the Limitation Act.

26.10.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No