

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

**FAO No.8366 of 2015 (O&M)
Date of decision:03.02.2016**

Subash Chand ... Appellant
Vs.

The Sub Divisional Magistrate-cum-
Competent Authority & others ... Respondents

FAO No.8367 of 2015 (O&M)

Dharminder and another ... Appellants
Vs.

The Sub Divisional Magistrate-cum-
Competent Authority & others ... 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. Kewal Krishan, Advocate, for
Mr. Premjit Kalia, Advocate
for the appellant(s) (in both appeals).

AMIT RAWAL J. (Oral)

C.M.No.26419-CII of 2015 in FAO No.8366 of 2015

For the reasons stated in the application, duly supported
by an affidavit, delay of 04 days in re-filing the appeal is condoned.

C.M. stands disposed of.

C.M.No.26418-CII of 2015 in FAO No.8366 of 2015

Deficiency of the Court fees, has been made good.

C.M. Stands disposed of.

C.M.No.26420-CII of 2015 in FAO No.8367 of 2015

Deficiency of the Court fees, has been made good.

C.M. Stands disposed of.

C.M.No.26421-CII of 2015 in FAO No.8367 of 2015

For the reasons stated in the application, duly supported by an affidavit, delay of 04 days in re-filing the appeal is condoned.

C.M. stands disposed of.

Main appeals

This order of mine shall dispose of aforementioned two appeals, whereby, the appellants are aggrieved of the dismissal of their objections filed for setting aside the award dated 10.05.2012.

Mr. Kewal Krishan, learned counsel appearing on behalf of the appellant(s) submits that the objections were accompanied by an application seeking condonation of delay but the same has been dismissed having not been filed within period of limitation i.e., 90+30 =120 days, thus, there is illegality and perversity and provisions of Section 5 of the Limitation Act would not be applicable to the proceedings initiated under Section 34 of the Act. The objections have been filed on 16.12.2014 for setting aside the award dated 10.05.2012. No explanation has come forth that award passed by the Arbitrator granting amount of compensation under Section 3(g) of 1996 Act was ex parte. The said order was passed in the presence of

the parties. Since the objections were time barred, rightly, so have been dismissed.

In view of the aforementioned observations, no ground is made out for interference.

Accordingly, the appeals are dismissed.

(AMIT RAWAL)
JUDGE

February 03, 2016
savita