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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EFA 13/2016 & CM Nos.17470-71/2016

HEM CHAND

..... Appellant

Through: Mr. Manish Bansal, Advocate

versus

DES RAJ SETHI & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% **10.05.2016**

1. This appeal is filed against the order dated 17th March, 2016, by virtue of which the Objections of the appellant against the execution of the decree were dismissed.

2. Briefly stated, the facts of the case are that, the present appellant was a guarantor in a loan agreement. The person who had advanced the loan had gone for arbitration and filed a statement of claim against the principal borrower, impleading the present appellant as the respondent in the said claim petition. The liability of the principal borrower and the guarantor was stated to be joint and several. The arbitrator served the notice on the present appellant twice way back in the year 2011-2012. Despite this, the appellant did not appear which resulted in passing of an *ex parte* Award. The principal borrower filed Objections, which were dismissed. A copy of the award was

sent to all the parties, including the respondent. The objections under Section 34 of the Arbitration & Conciliation Act, 1996 have to be filed within 90 days from the date of service of the award. No objections were filed by the appellant. At the stage of execution, he filed the Objections, stating that the Award is not executable against him, as he was not served. This was factually incorrect as the Objections have been dismissed and he is also held to be liable to pay the amount. The present appellant has preferred the appeal against the said dismissal of the Objections dated 12th March, 2016.

3. I have heard the learned counsel for the appellant and gone through the records and do not find any illegality in the rejection of his Objections by the learned Additional District Judge on 17th March, 2016.

4. The appeal is accordingly dismissed.

5. CM APPL. Nos.17470-71/2016 also stand dismissed.

V.K. SHALI, J.

MAY 10, 2016

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