

Amit Kumar
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**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 1476 of 2017 (O&M)
Date of decision: 18.5.2017

Darshan Pal

...Petitioner

Versus

Sandeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.C. Arora, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 30.1.2017 passed by the learned trial court, returning the plaint, plaintiff has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of operative para 4 of the impugned order passed by the learned trial court would show that case was at the initial stage. Defendants No. 4 and 5 have not filed their written statement so far but they moved an application before the learned trial court under Section 8 read with Section 5 of the Arbitration and Conciliation Act, 1996 with a prayer for referring the matter to the Arbitrator, returning the plaint of the plaintiff-petitioner. Further, it has gone undisputed before this Court that plaintiff-petitioner was party to the arbitration agreement and as per the arbitration clause between the parties, all disputes arising between the parties would be settled by an Arbitrator at Jalandhar. In this view of the undisputed and material fact situation, this Court feels no hesitation to conclude that the learned court below was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Once the petitioner-plaintiff is party to the arbitration agreement and there is specific clause between the parties, petitioner cannot be permitted to run away from his legal obligation to get the dispute decided through the Arbitrator. Further, it would be in the interest of both the parties to get the dispute resolved through the Arbitrator. Petitioner also cannot be permitted to pursue his parallel remedies before the learned Arbitrator as well as learned civil court. In this view of the matter, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

18.5.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No