

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

CR No.2669 of 2017 (O&M)

Date of decision:17.5.2017

B.I.Publications Pvt. Ltd. through its signatory

...Petitioner

Versus

Pratap Steel Rolling Mills (1935) Ltd. through its Managing Director and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Alok Mittal, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 31.1.2017 passed by the learned Additional District Judge, petitioner has approached this Court by way of present civil revision petition filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

It is a matter of record that parties approached this Court at an earlier point of time by way of civil revision No. 3301 of 2009 (B.L.Publications Pvt. Ltd. Vs. Pratap Steel Rolling Mills (1935) Ltd. and another). While remanding the matter back vide its order dated 22.9.2009, this Court observed as under:-

“In view of the above discussion, I am of the opinion that the application filed by the petitioner for review/ recalling of the order dated October 31, 2007 should have been carefully considered in context to the objective and scope of Section 34 of the Act. The Court below does not seem to have properly exercised the judicial authority.

The petition is allowed. The impugned order dated May 2, 2009 is hereby set aside and the matter is remanded back to District Judge, Amritsar to reconsider the relevance and purpose of summoning of the witnesses and the documents which are sought to be summoned. In case required, the said Court will be entitled to ask the objector to furnish the detailed particulars and the purpose for which the witnesses or the documents are sought to be produced/ summoned. It is left open to the satisfaction of the Court to determine whether the evidence sought to be produced has got any nexus to the grounds on the basis of which an arbitral award can be set aside under Section 34 of the Act.”

In compliance of the above-said order passed by this Court, litigating parties appeared before the court below. It is also not in dispute that the award in favour of the petitioner was an ex parte award. Thus, keeping in view the totality of peculiar facts and circumstances of the case, the learned Additional District Judge passed the impugned order dated 31.1.2017, which reads as under:-

“Perusal of the file shows that vide order dated 31.10.2007 witnesses of objector were ordered to be summoned. Later on, review application was filed and same was dismissed. Thereafter, revision was filed before Hon'ble High Court and Hon'ble High Court while disposing of the revision observed that District Judge, Amritsar to reconsider the relevance and purpose of summoning of the witnesses and the documents which were sought to be summoned and objector is directed to take particulars and the purpose for which witnesses or the documents are sought to be produced/summoned. Counsel for the objector Ms. Neelam Khanna Advocate today produced the summon for which particulars and purpose of the witnesses to be summoned is mentioned which is related to the record of the respondent and

as such issues have already been framed in this case and witnesses/record is required to be summoned for adjudicating the matter. Hence, witnesses are ordered to be summoned for the next date. Applicant are directed to furnish summons through RC within three days from today. To come up on 21.02.2017 for evidence of the objector.”

A combined reading of the order passed by this Court as well as the impugned order passed by the learned Additional District Judge will make it crystal clear that no prejudice of any kind, whatsoever, is going to be caused to the petitioner. In fact, the learned Additional District Judge is not being permitted to proceed further with the matter. At every stage, the parties are approaching this Court by one or the other civil revision petitions, thereby staling the proceedings before the learned court below. In this view of the matter, it can be safely concluded that the learned court below committed no error of law, while passing the impugned order and the same deserves to be upheld.

Another equally important aspect of the matter, which deserves to be noticed here is that whatever evidence would be brought on record by the respondents, the learned court below shall examine, consider and appreciate the evidentiary value thereof at the appropriate stage and the petitioner would have the occasion to object to the evidentiary value of the evidence to be brought on record by the respondents. As of now, it is a premature stage to comment upon the evidentiary value of the evidence, which is yet to be brought on record by the respondents. Having said that, 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, 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. The impugned order has been found based on true facts of the case and it has also been passed, strictly in accordance with law. The impugned order is supported by sound reasons, because of which no fault can be found with it and the same deserves to be upheld, for this reason as well.

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 the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

17.5.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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