

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CR-4330 of 2017(O&M)

Date of Decision:31.07.2017

**Mahindra & Mahindra
Financial Services Limited and another**

.....Petitioner

Versus

**Banta Singh (since deceased)
through his LRs**

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.Nitin Thatai, Advocate,
for the petitioners.**

RAMESHWAR SINGH MALIK, J.(Oral)

Instant revision petition filed under Article 227 of the Constitution of India, is directed against the order dated 08.10.2013 passed by the learned trial court, whereby an application moved by the petitioners under Section 8 of the Arbitration & Conciliation Act, was dismissed for want of original loan agreement between the parties.

Heard learned counsel for the petitioners.

When the case came up for hearing on 07.07.2017, following order was passed by this Court:-

“The only dispute is as to whether the petitioners should have produced the original loan agreement before the learned trial court for getting the matter referred to the Arbitrator, because the impugned order has been passed only because of non furnishing the original loan agreement by the petitioners.

Learned counsel for the petitioners seeks time to get original loan agreement.

On his request, adjourned to 31.7.2017.”

In compliance of the abovesaid order, learned counsel for the petitioners has placed the original loan agreement before this Court, which after perusal has been returned to the learned counsel for the petitioners. Since the impugned order dated 08.10.2013 was passed by the learned trial court only for non-availability of the original loan agreement, which was not furnished by the petitioners before the learned trial court, present revision petition is disposed of, with liberty to the petitioners, to approach the learned trial court by moving appropriate application along with original loan agreement between the parties. In case such an application is moved by the petitioners within a period of two weeks from today, the learned trial court shall pass appropriate fresh order thereon at an early date, in accordance with law.

Resultantly, with the above-said observations made and directions issued, the present revision petition is disposed of, however, with no order as to costs.

July 31, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No