

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

117

CR No.5129 of 2016  
Date of decision: 04.12.2017

Sheetal Singh (since deceased) through his LRs  
Kulwant Singh and others

..... Petitioners

Versus

M/s Rochelle Builders and Construction Pvt. Ltd.

..... Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. M.S. Rana, Advocate  
for the petitioners.

Mr. Rajeev Anand, Advocate  
for the respondent.

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**ANIL KSHETARPAL, J. (ORAL)**

Judgment-debtors are in revision petition against the order dated 20.07.2016. In this case, Executing Court has noticed that the judgment-debtors have been playing hide and seek with the Court. It is not in dispute that the learned Arbitrator has passed the Award on 31.03.2010. Petitioners/judgment-debtors filed objections under Section 34 of the Arbitration and Conciliation Act on 04.11.2011. The aforesaid objections under Section 34 were dismissed in default on 24.01.2014. Petitioners/judgment-debtors filed an application for restoration after a period of one year and four months i.e. on 28.05.2015. The aforesaid application is stated to have been pending.

In the execution petition also, judgment-debtors were served but after appearance, they opted to remain absent. They were proceeded ex

parte on 22.05.2014. Once again, since execution petition was dismissed in default, therefore, judgment-debtors were sent fresh notices. They appeared through counsel on 06.01.2015. Thereafter, judgment-debtors after availing two opportunities did not file any reply. On 26.02.2015, judgment-debtors were again proceeded ex parte as they failed to appear.

The objection petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 filed by the petitioners is prima facie beyond the time prescribed under the Act. More than 07 years have passed when the award passed by the Arbitrator, which is equivalent to a decree of the Court, however, it has not been allowed to be executed.

In view of the aforesaid facts, this Court does not find any good ground to interfere with the impugned order passed by the Court.

Revision petition is dismissed.

**04.12.2017**

Dinesh Bansal

**(ANIL KSHETARPAL)  
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No