

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5227 of 2017

Date of Decision: 11.09.2017

Hakamdeen @ Hakam

... Petitioner

Versus

M/s Shri Ram Trance Port Finance Company
Limited and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashish Gupta, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. Neither is this petition maintainable nor the objections filed by the judgment debtor to the decree converted from the award of the Arbitrator made under the Arbitration & Conciliation Act, 1996 (“1996 Act”). This is for the reason that the petitioner-judgment debtor did not apply under Section 34 of the 1996 Act against the award which has attained finality.

2. Therefore, the petitioner cannot object to the decree in execution not having availed legal remedy under Section 34 of the 1996 Act or exhausted further remedy under Section 37 before the High Court. And still further to the Supreme Court.

3. No jurisdictional error has been committed by the Executing Court in passing the impugned order dismissing the objections as not maintainable before it.

4. Accordingly, the petition is not entertained for inherent lack of jurisdiction and is ordered to stand dismissed as not maintainable.

11.09.2017
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(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>