

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

139

CR No.8562 of 2017  
Date of Decision:07.12.2017

Hinduja Leyland Finance Ltd.

...Petitioner

Versus

Didar Singh and others

...Respondents

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

Present: Mr. Mukesh Bhatnagar, Advocate  
for the petitioner.

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

This petition has been filed against the order passed by the learned trial Court refusing to relegate the parties to the arbitration on the ground that only a photocopy of the agreement containing arbitration clause was filed. The Court has held that as per mandatory provision of Section 8 of the Arbitration and Conciliation Act, 1996, it is necessary that original or attested copy thereof is filed before the Court.

I have heard learned counsel for the petitioner at length and with his able assistance gone through the impugned order passed.

Learned counsel for the petitioner has submitted that inadvertently attested copy was not produced, however, an attested copy is sought to be produced before this Court for first time.

Taking into consideration facts, it would be more appropriate if the petitioner moves a fresh application under Section 8 of the Arbitration and Conciliation Act, 1996 along with the attested copy of the agreement

calling upon the Court to adjudicate upon the issue once again.

In view thereof, the revision petition is disposed of.

Petitioner would be at liberty to move a fresh application under Section 8 of the Arbitration and Conciliation Act, 1996 along with the attested copy of the agreement.

Learned trial Court is requested to dispose of the aforesaid application without being prejudice by the impugned order passed.

07.12.2017  
*sheetal*

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No