

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.7317 of 2011(O&M)

Date of Decision:-10.08.2017

M/s Green Automobiles Pvt. Ltd.

.....Appellant.

Versus

IndusInd Bank Ltd. & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Manoj Bajaj, Advocate for the Appellant/Dealer-
(Judgment Debtor).

Mr. Gaurav Sethi, Advocate for
Mr. Anuj Kohli, Advocate for respondent no.1/Bank-
(Decree Holder).

JASWANT SINGH, J.(ORAL)

This common order shall dispose of the aforesaid FAO and *16 other connected FAOs detailed at the footnote of the judgment as they involve similar facts and identical issues.

The admitted facts are that M/s Green Automobiles Private Limited-appellant (for short the Dealer) is an authorised dealer of M/s Escorts Limited for sale of two wheelers. IndusInd Bank Limited-respondent no.1 is *inter alia* engaged in providing loans to the buyers of the two wheelers from the dealership of the appellant. The conceded practice is that the prospective buyers of the two wheelers from the dealership of the appellant are extended loans on identification of goods, customers with good financial credit worthiness and personal guarantees furnished by the Dealer to the bank. Therefore, in each of the present appeals, the borrowers/customers had been extended loans for purchase of two wheelers from the appellant/Dealer pursuant to loan agreements executed between the

IndusInd Bank and the buyers and also the dealer guarantee agreements executed between the bank and the appellant-Dealer. The borrowers having defaulted, the Bank pursuant to the loan agreements invoked the arbitration proceedings before an Arbitrator at Chennai. In the said proceedings, the appellant-Dealer was also impleaded as a party respondent. Due to non presence of the Dealer, they were proceeded ex-parte and an ex-parte award in each case came about to be passed in favour of the Bank. The Bank thereafter filed execution proceedings at Chennai.

The present appeals have been filed by the Dealer assailing the order passed by the Additional District Judge, Faridabad whereby its objections under Section 34 of the Arbitration and Conciliation Act 1996 against the Ex-parte awards (in each case/appeal) have been dismissed on the ground of lack of jurisdiction at Faridabad, since the Courts at Chennai concededly were the first Court where judicial proceedings had been initiated.

At the time of hearing, learned Counsel for the appellant-dealer states that all the present appeals have become infructuous, as the awards involved in all the appeals have since been executed through the process of the Court and the claim of the Decree Holder-Bank (respondent no.1) in each case stands satisfied.

Learned Counsel for the respondent no.1 is unable to refute the aforesaid submissions made on behalf of the appellant.

In view of the above, present FAO along with connected 16 FAOs are hereby dismissed as infructuous.

(JASWANT SINGH)
JUDGE

August 10, 2017
Vinay

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

- *1. **FAO No.7318 of 2011(O&M)**
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
- 2. **FAO No.7319 of 2011(O&M)**
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
- 3. **FAO No.7320 of 2011(O&M)**
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
- 4. **FAO No.7321 of 2011(O&M)**
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.

5. ***FAO No.7322 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
6. ***FAO No.7323 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
7. ***FAO No.7324 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
8. ***FAO No.7325 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
9. ***FAO No.7326 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
10. ***FAO No.7327 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
11. ***FAO No.7328 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
12. ***FAO No.7329 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
13. ***FAO No.7330 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
14. ***FAO No.7331 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
15. ***FAO No.7332 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.
16. ***FAO No.7333 of 2011(O&M)***
M/s Green Automobiles Pvt. Ltd. Vs. IndusInd Bank Ltd. & Ors.