

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

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**FAO No.2926 of 2016(O & M)
Date of Decision:16.01.2017**

Bimla Devi

....appellant

Versus

General Manager, Milk Plant, Industrial Area-I, Chandigarh and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Vivek Arora, Advocate for the appellant

Mr.Aditya Sharda, Advocate for respondents No.1 and 2

ARUN PALLI, J. (ORAL):

Vide this appeal, the appellant has assailed the arbitral award dated 26.09.2014, as also the judgment dated 08.04.2016, vide which the objections preferred by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') were dismissed by the District Judge, Chandigarh.

The facts that are required to be noticed are limited.

Owing to the request made by the Principal, Vatika High School for Deaf & Dumb, Sector 19-B, Chandigarh, MILKFED (respondent No.1) had set up a Verka Milk Booth within the school campus. And, pursuant to a licence deed dated 10.02.2009, the appellant was allowed to occupy and run the said booth for a specified period, which was extended from time to time. However, the agreement stood terminated on 31.03.2013, and the milk booth purports to be lying closed since then. The appellant

invoked the arbitration clause and prayed for a direction to the respondents to restore the supplies so as to enable the appellant to run the booth.

The Arbitrator, on an analysis of the matter and evidence on record, declined the claim of the appellant. Rather, the counter-claim of the respondent was accepted. The objections preferred by the appellants under Section 34 of the Act were dismissed by the learned District Judge, vide judgment dated 08.04.2016. That is how, as indicated above, the appellant is before this Court.

What indeed, needs to be noticed, is that, before this Court, the appellant only prayed to be granted a reasonable time to vacate the premises. That is how on May 19,2016, this Court had stayed the execution of the award:

“Learned counsel for the appellant confines his prayer to the vacation of premises within a reasonable time.

Notice of motion for 18.07.2016.

Dasti as well.

Till the next date of hearing, execution of the Award shall remain stayed.”

Ex facie, almost eight months have gone by, since passing of the order dated May 19,2016, thus, the appellant is not entitled to be awarded any further time.

In the wake of the above, the appeal is dismissed.

January 16, 2017

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Whether speaking/reasoned

Whether reportable-

(ARUN PALLI)

JUDGE

Yes/No.

Yes/No