

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

209

FAO No.5643 of 2015(O & M)

Date of Decision:19.05.2017

Simarjit Singh

....appellant

Versus

M/s Indusland Bank Limited and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Sandeep Kumar, Advocate
for the appellant

Mr.A.S.Virk, Advocate
for the respondents

ARUN PALLI, J. (ORAL):

This is an appeal against the judgment dated 06.05.2014, rendered by District Judge, Sangrur, vide which, the objections filed by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996, (for short, 'the Act') against the arbitral award dated 13.03.2009, have since been dismissed.

On a due and thoughtful consideration of the material and evidence on record, the District Judge, Sangrur, reached a conclusion that the grievance of the appellant that the arbitral award was rendered without affording any opportunity of hearing to him, was devoid of any basis. For, a perusal of the arbitration records showed that the notice of the arbitration proceedings was given to the appellant as also to his guarantor Darshan Singh, for 25.02.2009, but they did not choose to appear despite service. And acknowledgements in this regard were available on record of the arbitration file. In fact, the notice sent to the appellant was received by his father Zora Singh. And on behalf of Darshan Singh (guarantor), it was signed by

Paramjit Kaur. The plea that the appellant never signed the agreement was also erroneous, for, a copy of the loan agreement revealed that a contract was duly entered into between the parties and Darshan Singh (guarantor). Clause 23 of the contract envisaged that in the event of any dispute between the parties, the same shall be resolved by way of arbitration. Not just that, the arbitral award was made as back as on 13.03.2009, whereas, the objections under Section 34 of the Act were filed by the appellant on 14.05.2013 i.e. after over four years. The provisions of Section 34(3) of the Act, envisage a period of 90 days to file objections against the award rendered by the arbitrator, which is extendable by a further period of 30 days, provided the Court is satisfied that the objector was prevented by a sufficient cause to prefer the objections within the specified time. Thus, ex facie, the objections filed by the appellant were grossly barred by time.

Despite being pointedly asked, learned counsel for the appellant could not point out as to how the conclusion reached by the District Judge was either contrary to the record or suffered from any material illegality. That being so, the only and the inevitable conclusion that could be reached was that the claim of the appellant was wholly devoid of merit.

The appeal is accordingly dismissed.

May 19, 2017

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**(ARUN PALLI)
JUDGE**

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No