

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

CR No.1367 of 2018 (O&M)

Date of Decision :20.11.2018

National Highways Authority

....Petitioner

VERSUS

Shashi Chauhan & others

...Respondents

BEFORE : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. D.K. Singhal, Advocate for the petitioner.

Mr. M.L.Saini & Mr. Satish Jain, Advocates
for respondent Nos.1 and 2.

Mr.Anupam Singla, Advocate for respondent Nos.4 to 7.

B.S. WALIA, JUDGE (Oral)

CM No.25168-CII of 2018

Application for impleadment is dismissed as not pressed.

CR No.1367 of 2018

1. Challenge in the revision petition is to order dated 12.2.2018 (Annexure P-21) passed by the learned Additional District Judge, Panchkula in Execution Case No.993 of 2017 in case titled as Smt. Shashi Chouhan and another versus National Highway Authority of India and others directing the petitioner to deposit at least 50% of the calculated amount in terms of the award within three weeks from the date of passing of the said order.

2. Learned counsel for the petitioner contends that the apportionment proceedings in respect of the awarded amount as are the subject matter of the instant proceedings are pending adjudication before the learned Additional District Judge, Panchkula at the behest of co-sharers. Learned counsel further contends that the award has also been challenged by way of separate objection petitions under Section 34 of the Arbitration and Conciliation Act, 1966 (hereinafter referred to as 'the Act') by the petitioner as well as respondent Nos.1 and 2 and that in the objection petition filed by the petitioner, stay has been granted qua respondent No.2.

3. Needless to mention, the petitioners shall in compliance of the impugned order passed by the learned Additional District Judge, Panchkula deposit the requisite amount in terms of the order. However, the same would not be released and release in respect thereto would be subject to the outcome of the apportionment proceedings as well as the objection petition in which stay has been granted.

4. At this stage, learned counsel for respondent Nos.1 and 2 requests that in the peculiar circumstances of the case, the learned Additional District Judge, Panchkula before whom the objection petitions as well as apportionment proceedings are pending be directed to decide the same in a stipulated period of time.

5. In the circumstances of the case, it is deemed appropriate to direct the learned Additional District Judge, Panchkula to consider and decide the objection petitions under Section 34 of the Act, 1996 and the apportionment proceedings at the earliest preferably within a period of three months from the date of receipt of certified copy of this order.

6. Needless to mention that during the pendency of the proceedings under Section 34 of the Act, 1996, the amount deposited by the petitioner in terms of the impugned order shall be kept in FDRs in a nationalized Bank.

7. Revision petition is disposed of with the above direction.

November 20, 2018
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No