

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4578 of 2017 (O&M)
Date of Order:02.04.2018

M/s St. Soldier Elite Convent School

..Petitioner

Versus

M/s Little Einstein and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Sharma, Advocate,
for the petitioner.

Mr. Gurmohan Singh Bedi, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Petitioner is in revision petition against the order dated 31.05.2017, praying for replacement of the previously appointed Arbitrator.

Learned District Judge, Ludhiana, has dismissed the application on the ground that the application under Section 11 of the Arbitration and Conciliation Act, 1996 can only be moved before Hon'ble the Chief Justice of the High Court. Learned District Judge has over looked the fact that earlier the petitioner had moved an application under Section 11 of the Arbitration and Conciliation Act, 1996, before the High Court which was dismissed on 17.03.2017.

Petitioner in the present case is prayed for appointment of the new Arbitrator in place of old one. The application filed by the petitioner , although not happily worded, would be an application under Section 14 of the Arbitration and Conciliation Act, 1996.

Although, learned counsel for respondent no.1 has vehemently

argued that the petitioner was required to file an application under Section 13 of the Arbitration and Conciliation Act, 1996, before the Arbitrator itself, however, taking into consideration the fact that the learned District Judge has not even adverted to this objection of the respondent and has simply dismissed the application on the ground that it is not maintainable, this court is left with no choice but have to set aside the order under challenge and direct the learned District Judge, Ludhiana, to re-decide the application after taking into consideration the order passed by Hon'ble the Chief Justice, dated 17.03.2017 while keeping in view the objections of the respondent with regard to maintainability of the application.

The revision petition is allowed.

Parties through their counsel are directed to appear before the learned District Judge, Ludhiana, on 18.04.2018.

April, 02, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No