

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5225 of 2017 (O&M)
Date of Order: 23.03.2018

UHBVN

..Petitioner

Versus

United India Insurance Company Limited & anr.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Garg, Advocate,
for the petitioner.

Mr. D.P.Gupta, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Defendant-petitioner is in revision petition against the order passed by the learned trial Court, dismissing application under Order 7 Rule 11 CPC.

The petitioner has objected to the maintainability of the civil suit on the ground that there is an agreement containing arbitration and, therefore, civil court has no jurisdiction.

On the other hand, learned counsel for the respondent-plaintiff has asserted that the plaintiff apart from asserting that there is no legal and valid contract between the parties, which contains arbitration clause, the order of the petitioner-defendant in the suit, black listing the plaintiff-company dated 30.12.2015 has also been challenged.

Although, it is unfortunate that two public sector undertaking are fighting in the court rather than resolving the matter at their own level, however, this Court has to decide once the parties choose to file the

litigation.

While deciding application under Order 7 Rule 11 CPC, only contents of the plaintiff are to be seen. The suit as framed is with regard to declaration that there is no contract between the parties and the order of black listing dated 30.12.2015 passed by the defendant is illegal, null and void. Further prayer for permanent injunction has also been made. It may be noticed that there is no application under Section 8 of the Arbitration and Conciliation Act.

In view of the aforesaid, this court does not find any ground to interfere with the impugned order passed, which is detailed one.

Learned counsel for the petitioner was requested to explain as to whether the relief of black listing can be decided by the Arbitrator. Learned counsel fairly admitted that the issue of black listing cannot be decided by the Arbitrator.

In view thereof, there is no scope for interference in the order passed by the learned trial court.

The revision petition is dismissed.

March 23, 2018
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(ANIL KSHETARPAL)
JUDGE

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