

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

CR No.5236 of 2018 (O&M)

Date of Order: 04.10.2018

The Executive Engineer, Water Supply & Sanitation Division, Malerkotla

....Petitioner

Versus

Jai Bhushan Malik

....Respondent

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

Present: Mr. Sandeep Mann, AAG, Punjab for the petitioner.

B.S.WALIA, J (ORAL)

[1] Notice of motion.

[2] Sh. Akash Singla, Advocate, who is present in Court, accepts notice on behalf of the respondent.

[3] Challenge in the revision petition is to order dated 16.5.2018 passed by the learned Addl. District Judge, Patiala dismissing the application of the petitioner-JD for dismissal of execution petition on the ground that objections filed by the JD within the stipulated period of time for setting aside award under Section 34 of the Arbitration and Conciliation Act, 1996 were pending in the court of the learned District Judge, Sangrur, therefore, in terms of Section 36 of the Arbitration and Conciliation Act, 2015 (hereinafter referred to as “2015 Act”), the execution application was not maintainable.

[4] The learned Addl. District Judge, Patiala dismissed the application by taking into account the provisions of Section 36 (2) of 2015

Act which provide that where an application to set aside arbitral award had

been filed in Court under Section 34 of 1996 Act, the filing of such an application shall not by itself render the award unenforceable unless a stay is granted by the Court against the operation of the arbitral award in accordance with Section 36 (3) of 2015 Act on separate application made for that purpose.

[4] Learned State counsel reiterated the plea as was taken before the learned Addl. District Judge, Patiala for stay of the execution proceedings.

[5] Learned counsel for the respondent on the other hand states that apart from the above, the revision petition has become infructuous in view of objections filed by the petitioner under Section 34 of the Act having been dismissed by the learned Addl. District Judge, Sangrur vide order dated 17.5.2018. A copy of the same duly downloaded from the official e-court website and duly signed by learned counsel for the respondent is taken on record.

[6] In the light of the position noted above, the revision petition is dismissed as having become infructuous.

October 04, 2018
manoj

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No