

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5810-2017(O&M)
Date of decision : 21.11.2018

Shree Ram Transport Finance Co.Ltd.
Yamuna Nagar

..... Petitioner

versus

Saravjit Singh Guglani and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.M.K.Bhatnagar, Advocate for the petitioner.

Mr.G.C.Shahpuri, Advocate for respondent No.1.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 15.04.2017 whereby application submitted under Section 8 of the Arbitration and Conciliation Act, 1996 for rejection of the plaint seeking injunction against the petitioner for taking forcible possession of the vehicle has been dismissed.

Concededly the ex parte award -Annexure P-4 was passed by the Arbitrator. In the absence of any specific clause in the contract the contractor cannot be permitted to take the forcible possession. It has to be in accordance with law. Even if there is an arbitration clause, injunction sought is most innocuous. Party cannot be relegated to arbitration once there is already an ex parte award.

I do not find any illegality and perversity in the order of the learned trial Court so as to warrant interference by this Court.

Petition is dismissed.

(AMIT RAWAL)
JUDGE

21.11.2018
sunita

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