

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

CR No.8023 of 2018 (O&M)
Date of Decision:29.11.2018

M/s Nav Durga Spun Pipe Company and others ...Petitioners

Versus

S.K.Arora and others ...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rakesh Chopra, Advocate for the petitioners.

ANIL KSHETARPAL, J.

This revision petition has been preferred against the order dated 26.10.2017 passed by the executing court, dismissing their objection petition in execution petition filed to execute an award of an Arbitral Tribunal.

Learned counsel for the petitioner has pointed out that a separate petition under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act of 1996'), has been filed and therefore he does not press the revision petition against the order dated 26.10.2017. However, he submits that the court, while adjudicating upon the petition under Section 34 of the Act of 1996, should be directed to decide the objections under Section 34 of the Act of 1996 without being influenced by the observations made in the order dated 26.10.2017.

Observations made by the executing court, while deciding the objections in the execution petition, would not come in the way of the court, while deciding the objections under Section 34 of the Act of 1996.

Second order, which has been impugned in the present revision
petition is dated 29.9.2018, wherein after noticing that judgment debtors

No. 2 and 3 have not been intentionally appearing, despite the statement given by judgment debtor Pankaj Goyal, the Court has issued conditional warrants in exercise of power under Order 21 Rule 37 of the Code of Civil Procedure.

Two affidavits have been filed by judgments debtors No.2 and 3, undertaking to appear before the court on the next date of hearing i.e. 6.12.2018. The aforesaid two affidavits are taken on record.

The revision petition is disposed of, while staying the operation of the order dated 29.9.2018 till 6.12.2018. The petitioners/judgment debtors No.2 and 3 shall remain bound by the undertaking given in the affidavits. Once petitioners/judgment debtors No.2 and 3 put in appearance, the executing court would proceed, in accordance with law. If the petitioners/judgment debtors No.2 and 3 do not appear, the interim relief granted by this Court would be deemed to have been vacated and revision petition would be deemed to have been dismissed with costs of Rs.1,00,000/-.

The revision petition is disposed of, accordingly. Pending application(s), if any, shall also stand disposed of, in terms thereof.

29.11.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No