

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

FAO No. 8027 of 2014 (O&M)

Date of Decision: August 08, 2018

CITCO

....Appellant

Versus

Brig.J.S.Khurana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Parveen K.Kataria, Advocate
for the appellant.

Mr.R.B.S.Jain, Advocate
for respondent No.1.

Ms.Tarunpreet Kaur, Advocate
for U.T., Chandigarh.

Rajan Gupta, J (Oral)

Appellant has impugned order passed by Additional District
Judge, Chandigarh. Operative part thereof reads as under:-

“In view of findings on issues above, the objection petition is allowed with costs and matter is remitted back to the arbitrator to decide the claim of the Corporation and counter claim raised by the respondent afresh as per terms of the lease deed dated 1.11.1985 and subsequent instructions or policy decision taken by the Corporation after notice to both the parties. Counsel fee is assessed at Rs.3000/-. Memo of costs be prepared. The arbitration record be sent back to the quarters concerned. File be consigned to the record room.”

Learned counsel for the parties are *ad idem* that in view of
judgment of the apex court in **Kinnari Mullick and another Vs.**

Ghanshyam Das Damani in Civil Appeal No. 5172 of 2017 dated

20.4.2017, the court did not have any jurisdiction to remit the matter to the arbitrator for decision afresh.

In view of this, this appeal is allowed to the extent that matter would not be remanded to the arbitrator to take it up afresh. At this stage, learned counsel for the appellant submits that he is at liberty to avail any other appropriate remedy, if any, available to him. Appeal is, thus, disposed of in view of judgment in Kinnari Mullick (supra). As parties are always at liberty to avail legal remedy, this court need not to observe anything in this regard.

(Rajan Gupta)
Judge

August 08, 2018

BB

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