

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

CWP No. 6849 of 2018

Date of Decision:-21.3.2018

Jaswinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Ashwani Talwar, Advocate
for the petitioner.

RAKESH KUMAR JAIN J.(Oral)

The petitioner has prayed for setting aside the order dated 01.2.2018 (Annexure P-2) passed by the Additional District Judge, Panchkula by which objection petition filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the Act') has been dismissed on the ground of limitation as well as on merits.

The petitioner has the remedy under Section 37(c) of the Act to challenge the impugned order by way of an appeal but the petitioner has preferred the writ petition invoking the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India for the same purpose.

After hearing learned counsel for the petitioner and taking into consideration the aforesaid facts and circumstances, I am of the considered view that if a right of appeal is provided in the statute, the petitioner cannot

be allowed to invoke the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Thus, the present petition is hereby dismissed on this ground alone. The petitioner may, if so advised, file an appeal against the impugned order under Section 37(c) of the Act.

March 21, 2018
Vijay Asija

(**RAKESH KUMAR JAIN**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No