

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

FAO No.3996 of 2018 (O&M)

Date of decision: August 13, 2018

M/s Bharat Dupatta House & another

... Appellants

Versus

Rajesh Patwari and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Lekh Raj Sharma, Advocate for the appellant.

Rajan Gupta, J.

Present appeal is directed against the judgment dated 22.2.2018, passed by Additional District Judge, Amritsar, whereby application filed by the appellants under Section 34 of the Arbitration and Conciliation Act, 1996 for setting-aside award dated 21.04.2014, passed by respondent No.3- Arbitrator, has been dismissed.

Brief factual matrix of the case are that on 22.11.2016, appellants came to know that their properties have to be attached in view of the orders of the court at Amritsar. It is alleged that appellants contacted their counsel and on inquiry it was revealed that an execution filed by respondent No.1 was pending against them in the court of Additional Civil Judge (Senior Division), Amritsar regarding an ex-parte arbitration award, alleged to have been passed against the appellants. Vide award dated 21.04.2014, respondent No.1 was held entitled to recover an amount of Rs.1,30,247/- (Rs.66,260/- as principal amount and Rs.63,987/- as interest till 31.7.2013 alongwith future interest @ 15% per annum w.e.f. 01.08.2013 from the appellants. Aggrieved, appellants filed objections under Section 34 of the Arbitration and Conciliation Act, 1996. The Additional District

Judge, Amritsar, vide judgment dated 22.02.2018, dismissed the objections of the appellants. It observed that the objections were filed by the appellants after a delay of three years, whereas they were required to file the same within prescribed period of three months from the date of passing of award or after another period of three months on proving the fact that they were prevented by sufficient cause to file the objections.

I find no infirmity with the orders passed by the Arbitrator as well as the court below. It appears, the award passed by the Arbitrator is reasonable and objections raised by the appellants are not tenable. The Arbitrator had rightly appreciated the evidence led by the parties. It is settled law that award of the Arbitrator cannot be set-aside without having proved grave misconduct by the Arbitrator. Certain issues have been raised by the appellants. However, it has not been shown that any miscarriage of justice has been caused. The plea, thus, holds no substance. There is nothing on record to show that finding arrived at by the Arbitrator as well as the court below is not in consonance with the evidence on record. Thus, appeal is without any merit and is hereby dismissed.

CM-13942-CII-2018:

Since the main appeal has been dismissed on merits, this application for condonation of delay does not survive and the same is also dismissed.

August 13, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No