

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

102

**CM-23839-CII-2017 in/and
FAO-7283-2017 (O&M)
Date of Decision : 25.1.2018**

KANWAR JASPREET SINGH

....APPELLANT

VS

M/S CITI FINANCIAL CONSUMER FINANCE INDIA LTD

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.V.M.Handa, Advocate
for the appellant.

AJAY TEWARI, J.(Oral)

CM-23839-CII-2017

This is an application for condonation of 19 days delay in filing the appeal.

For the reasons recorded in the application, the same is allowed and delay of 19 days delay in filing the appeal is condoned.

Main Case

This appeal has been filed against the order of the Additional District Judge, Patiala dismissing an application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). The admitted facts of the case are that the appellant had taken a loan for house from the respondent. Disputes arose between the parties and the respondent referred the same to an Arbitrator. An award was passed

against the appellant which was challenged by him under Section 34 of the Act that having been rejected he is before this Court.

Learned counsel has argued that the appellant had no notice of the appointment of the Arbitrator. It has been found by the Courts below that registered notice was sent by the Arbitrator at the address of the appellant on two occasions and on both occasion, the same was received back as 'unclaimed'. In the circumstances, the argument that the appellant had no notice of the award cannot be accepted. The other argument raised by learned counsel is that in fact the respondent had even kept the loan agreement secret from the appellant. The appellant had been given to understand that he was getting a loan on lower rate of interest actually the respondent was charging much higher rate of interest. He has however fairly accepted that though the appellant paid ten installments he never raked up the issue of non supply of loan document with the respondent at any stage. I am afraid that this would not possible for me to appreciate under Section 37 of the Act.

Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

25.1.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No