

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

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**FAO No.6477 of 2018 (O&M)
Date of Decision : 15.10.2018**

Emaar MGF Land Ltd.

..... Appellant

Vs.

Mr. Abhishek Kohli

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Ashish Chopra, Senior Advocate with
Mr. Sahil Sablok, Advocate
for the appellant.

Mr. Ravinder Rana, Advocate
for the respondent-caveator.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment and order of the Additional District Judge, SAS Nagar, Mohali whereby an award dated 28.03.2016 has been affirmed and the objections filed by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 were dismissed and the award was affirmed.

Senior counsel for the appellant has argued that as a matter of fact these objections had to be transferred to the Commercial Court but have been wrongly decided by the Additional District Judge, SAS Nagar, Mohali.

Counsel for the respondent-caveator has very fairly accepted that the matter has been transferred to the Commercial Court of the District.

In the circumstances, the appeal is allowed and the impugned order is set aside. The matter is directed to be placed before the Commercial Court of the District. Parties through counsel are directed to appear before the Commercial Court, Mohali on 22.11.2018.

The record of the objections be also transferred to that Court on or before that date.

Learned senior counsel for the appellant prays for an interim order.

In my opinion, that question of grant of interim order be also decided by the competent Court.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

15.10.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No