

Prem Chand vs. Saroj Jain and others

Present: Mr. Gagandeep Singh Wasu, Advocate
for the applicant/appellant.

CM No.1067-C-2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 35 days in filing the appeal is condoned.

Application is allowed.

RA No.3-C of 2018

The applicant is seeking review of judgment dated 26.09.2017 on the ground that regular second appeal should have been decided separately.

Two cases i.e. one is civil revision and other regular second appeal, were disposed of by a common judgment as the property in dispute involved in both the cases was same. This Court has noticed at page 10 the facts of the regular second appeal and further noticed that learned counsel for the appellant could not address any meaningful argument. That is how both the cases were decided together.

The appellant in Regular Second Appeal No.4769 of 2012 claims to be transferee of the plot in question during the pendency of the arbitration proceedings. The award passed by the learned Arbitrator cannot be allowed to be frustrated merely because the property has been transferred with a view to frustrate the award passed by the Arbitrator. Appellant in RSA-4769-2012 is brother of Chhotu Ram, who was owner of the property and award passed by the Arbitrator had gone against him.

**CM No.1067-C of 2018 in/and
RA No.3-C of 2018 in
RSA-4769-2012**

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In view thereof, there is no scope for review of the judgment dated
26.09.2017 passed by this Court.

Accordingly, the review application is dismissed.

29.01.2018
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**(ANIL KSHETARPAL)
JUDGE**