

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 844 of 2019

1. Mahesh Chandravanshi S/o- Shri Jeevrakhan Chandravanshi Aged About 53 Years (Wrongly Mentioned As Jirakhan Chandravanshi In The Impugned Order Sheet)
2. Narayan Chandravanshi S/o - Shri Mahesh Chandravanshi Aged About 34 Years
(Both are r/o - Village Bairag Chowk Kanjheta, Tehsil Pandariya District Kabirdham Chhattisgarh)

---- Petitioners

Versus

- Cholamandalam Investment And Finance Company Limited Dare House No. 2, N.S.C. Bose Road, Parrys Chennai 600001

---- Respondent

For Petitioners : Ms. Upasana Mehta, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-11-2019

Heard.

1. This petition has been brought being aggrieved by the order passed by the Court below in the execution proceeding filed by the respondent.
2. Learned counsel for petitioners submits that the petitioner No.1 has never received any notice of the arbitration proceeding that was taken up against him and the arbitrary award dated 24.06.2015 has been passed against him on the basis of which, the execution proceeding is going on. The petitioner No.1 was never served with any notice regarding the execution proceeding as well, therefore, his valuable right to raise the objection to the execution proceeding has been curtailed. The petitioner No.1 also wants to challenge the arbitral award against him.

3. The petitioner No.1 has come to this Court challenging the execution proceeding based on the arbitration award dated 24.06.2015, in which he has entitlement to appear before the Execution Court and raise his objection for which opportunity can be granted by this order. However, as referred, the prayer for challenging the arbitration award, the option is present that the petitioner may challenge the same under Section 34 of Arbitration and Conciliation Act, 1996, in case, this remedy is available to him at present, according to the advice given by his counsel. Therefore, the petition is disposed off with this direction that the petitioners shall give appearance before the Execution Court and Execution Court is directed to afford opportunity for raising objection which may be decided in accordance with law. Further the petitioners shall also have liberty to file application for setting aside the arbitration award if so advised by the learned counsel.
4. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika