

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

Civil Revision No.8859 of 2015 (O&M)
Date of Decision: May 22, 2019

Rajeev Kumar

...Petitioner

Versus

Reliance Infratel Ltd. & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Amit Singla, Advocate,
for the petitioner.

AMIT RAWAL, J.

The present revision petition is directed against the impugned order dated 17.09.2014, whereby application submitted by the defendants under Section 8 read with Section 5 of the Arbitration and Conciliation Act, 1996, has been allowed.

Mr. Amit Singla, learned counsel representing the petitioner submitted that the petitioner filed a suit for recovery of ₹ 4,00,000/-, i.e., ₹3,30,000/- being lease money and ₹ 8,500/- per month as interest from the period referred to therein and future interest as the defendants had taken the the premises/vacant space on lease measuring 38 feet x 47 feet situated at Ward No.6 behind Girls Senior Secondary School, Ratia, District Fatehabad for installation of mobile tower vide lease agreement dated 02.12.2008, but failed to make the payment and, therefore, the suit was filed.

The respondent-defendants instead of filing the written statement, moved an application seeking reference of the dispute in view of

the arbitration clause. The Court ought not to have rejected the plaint and should have permitted the plaintiff to file the claim before the arbitrator by following the due procedure.

There is no representation on behalf of the respondents despite service as noticed in the order dated 03.04.2019.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel.

Clause 7(e) of the lease agreement has not been disputed. Once the plaint has been ordered to be returned, the remedy for the plaintiff was to seek adjudication in accordance with law. The agreement is also not denied, therefore, in such circumstances, the suit was not maintainable and the findings rendered by the court returning the plaint are perfectly legal and justified.

Resultantly, the revision petition stands dismissed.

May 22, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No