

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

**FAO No. 2391 of 1998 (O&M)
Date of Decision: 13.02.2019**

State of Punjab through Secretary to the Government of Punjab,
Department of Irrigation and Power, Civil Secretariat (Sector-9),
Chandigarh and another.

..... Appellants

VERSUS

M/s Suri Brothers, A-105, Lajpat Nagar, New Delhi, through Shri
Swaranjit Singh, duly registered and authorised partner and another.

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Rajni Gupta, Sr. DAG, Punjab,
for the appellants.

Mr. Sahej Mahajan, Advocate, for
Mr. Ashwani Talwar, Advocate,
for the respondent.

JAISHREE THAKUR, J. (Oral)

1. This is the first appeal that has been filed by the appellants-State of Punjab and another seeking to challenge the award of the arbitrator as well as judgment and decree dated 15.06.1998 passed by Addl. Civil Judge (Senior Division), Rupnagar making the award rule of the court.

2. During the pendency of the instant appeal in this High Court, Section 39 of the Punjab Courts Act, 1918 has been substituted

by the Punjab Act 29 of 2006 wherein, it is stipulated that “*All appeals from a decree or order of a Civil Judge (Senior Division) and Civil Judge (Junior Division) pending in the High Court, irrespective of the value of the original suit, shall be transferred to the District Judge exercising ordinary territorial jurisdiction.*”

4. In view of the said amendment in 2006, this appeal has to be transferred to the District Judge, Rupnagar for decision on merit.

5. Ms. Rajni Gupta, learned Sr. DAG, Punjab, appearing on behalf of the appellants, does not dispute the above factual position.

6. Under these circumstances, this appeal is transferred to the District Judge, Rupnagar, where the appellants are directed to appear on 20.03.2019. Notice to the respondent would be issued by the District Judge, Rupnagar. As this appeal is pending since the year 1998, it would be expedient for an early decision of the matter, preferably within a period of six months. Registry is directed to remit the entire record of the appeal to the District Judge, Rupnagar forthwith.

7. The appeal stands disposed of accordingly.

13.02.2019

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes/No.

Yes/No.