

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 119

Case No. : C. R. No. 2356 of 2019 (O&M)

Date of Decision : April 08, 2019

M/s Gati-Kintestu Express Pvt. Ltd. Petitioner
vs.
M/s Ind Swift Limited Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Suneet Kumar, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

Through the present petition filed under Article 227 of the Constitution of India, a direction is sought to be issued to the Additional District Judge, Chandigarh (for short – the Executing Court) to dispose of the application filed by the petitioner for execution of the Award dated 13.08.2016 passed in Arbitration Case No.1 of 2016 titled M/s Gati-Kintetsu Express Private Limited vs. M/s Ind Swift Limited.

A perusal of the record reveals that a dispute between the parties was referred to an Arbitrator at Hyderabad and through the Award dated 13.08.2016, the Arbitrator held the petitioner entitled to claim from the respondent an amount of Rs.58,43,719/- along with interest @ 24% per annum from 15.02.2016 to 13.08.2016 and thereafter @ 12% per annum till the date of realization of the aforesaid amount. The petitioner was also held

entitled to recover from the respondent the costs as paid to the Arbitrator. The respondent filed objections against the aforesaid Award before the II-Additional Chief Judge, City Civil Court, Hyderabad which, through order dated 13.12.2018, have been dismissed in default. Thereafter, the petitioner filed an application before the Executing Court seeking execution of the aforesaid Award dated 13.08.2016. In such execution proceedings, the respondent appeared through counsel on 29.08.2018 and thereafter, sought and got as many as five adjournments but till date, has failed to file any objections.

From the perusal of the above facts, it is clear that the Executing Court has been rather lenient in granting adjournments to the respondent to file its objections but without commenting any further thereupon, after considering the above facts as also in line with the objects for which the Arbitration Act, 1996 was enacted, the present petition is disposed of with a direction to the Executing Court to dispose of the petitioner's execution application within four months from the date of receipt of a certified copy of this order, in accordance with law.

If the respondent is aggrieved by passing of the present order, it is at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)

JUDGE

April 08, 2019

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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.