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appointment was made on 07.08.2002 on the ground that the amount was assessed at a very low rate and it is claim of the petitioners that thereafter the matter has been processed as such which led to filing of the writ petitions in the year 2015.

The respondents in their reply have categorically denied petitioner to be the owner of the land the details whereof are mentioned in para 3 of the written statement by specifically replying that the land was owned by Hazura Singh, Chetan Singh sons of Baghel Singh Smt. Bachan Kaur, Harnam Kaur daughters of Baghel Singh who had filed their separate writ petitions bearing **CWP No.13224/2015, CWP No.14187/2015, CWP No.13301/2015 and CWP No.12921/2015** for appointment of Arbitrator. In such circumstances, reliance was placed upon Form LA-VII (R1/1) showing the area and its ownership and therefore the entitlement of the petitioners to raise the claim for appointment of Arbitrator was denied. No replication has been filed to controvert the said allegation.

It is a matter of record that in CWP No.13224 of 2015 Ajaib and other vs. Union of India, decided on 30.05.2019 the above said writ petitions was also subject matter of consideration. This Court came to the conclusion that Form K had been executed on 09.08.1975 by Chatan Singh s/o Hazura Singh, Bachan Kaur, Harnam Kaur ds/o Baghel Singh whereby they accepted to receive a sum of Rs.21,086/- in full settlement. It was further noticed that after 38 years, they had filed writ petition for direction and resultantly while keeping in view the provisions of 1952 Act read with the Defence of India Act, 1971, the writ petition was dismissed by holding out that Arbitrator could only be appointed where the person had not entered into an agreement. Reliance placed upon the also on the judgment of the

Apex Court in **M/s Prestige Lights Ltd. vs. State Bank of India (2007) 8 SCC 449** wherein it was held that the party is not to be heard on merits where it conceals the facts. Reference was also made to Division Bench judgment in **Banto Ram & Ors. vs. Union of India & Ors. 1989(2) PLR 401** wherein it has been held that after a period of 18 years, the party cannot seek appointment of Arbitrator. The position is even worse in the present case as the petition has been filed in the year 2015 and even the *locus standi* as such has been contested on account of lack of ownership.

Resultantly, there is no merit in the present writ petition and the same is accordingly dismissed.

09.09.2019

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No