

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

FAO-2834-2017 (O&M)

Date of decision: 22.05.2019

Paramjit Singh and another

...Appellants

Versus

Punjab State Warehousing Corporation Ltd. and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gurcharan Dass, Advocate,
for the appellants.

JAISHREE THAKUR, J. (ORAL)

This is a first appeal that has been filed under Section 37 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking to challenge the order dated 10.01.2017 passed by the Addl. District Judge, Ludhiana whereby the objections filed under Section 34 of the Act for setting aside the award dated 28.05.2002 has been dismissed.

Mr. Gurcharan Dass, learned counsel appearing on behalf of the appellants contends that the Addl. District Judge has erred in dismissing the objections solely on the ground that the same were not maintainable being barred by time.

It is contended that in fact an ex parte award had been passed on 28.05.2002 and a copy of the award was not served upon him which

would make it a sufficient reason for the award to be set aside. It is contended that the appellants herein were abroad and that is why a copy of the award was not served upon him. It is contended that it is only in the execution proceedings he became aware that an award had been passed against him.

I have heard learned counsel for the appellant and on a query put by this Court, this Court is informed that the appellant appeared before the Executing Court on 03.02.2013. In such a situation, it can be safely presumed that the appellants herein were aware of the award dated 28.05.2002 that was passed against him. Taking 03.02.2013 as the date when he was served with a copy of the award, a period of three months to file his objections under Section 34 of the Act and further a period of 30 days with an application for condonation of delay would have lapsed on 02.06.2013, however, the objections were filed on 12.09.2013 and, therefore, the objections are barred by limitation.

Finding no infirmity in the impugned order, this appeal stands dismissed.

22.05.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.