

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CM-28004-CII-2018 in/and

FAO-10628-2018 (O&M)

Date of Decision: July 03, 2019

Devender Singh and another

Appellants

Versus

M/s HDB Financial Service Limited and others

Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Rose Gupta, Advocate
for the appellants.

JAISHREE THAKUR, J. (Oral)

CM-28004-CII-2018

For the reasons mentioned in the application, the same is allowed and the delay of 57 days in filing the present appeal is condoned.

Main case

This is an appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 seeking to challenge order of the Additional District Judge, Hisar dated 21.03.2018 dismissing the application filed under Section 34 of the said Act for want of jurisdiction.

In brief, the facts are that a dispute arose between the applicant-appellants and the respondents- M/s HDB Financial Service Limited and others. In terms of the agreement, arbitration proceedings were commenced at Mumbai. It appears that the award was an ex-parte one on account of non-appearance of the appellants herein. The appellants sought to challenge the said award by filing objection petition before the Additional District

Judge, Hisar, which is Annexure A-2 as available with the pleadings of this appeal. The respondents moved an application for dismissal of the said objection petition on account of territorial jurisdiction, which application (Annexure A-2) was allowed. The Additional District Judge, Hisar relying, upon the judgment rendered in *M/s. Bhandari Udyog Limited vs. Industrial Facilitation Council and others, 2015 (2) RCR (Civil) 918* came to the conclusion that the award could be challenged only in the Court in whose jurisdiction the arbitral award had been passed.

Learned counsel appearing on behalf of the appellants contends that he had taken a plea that the Courts at Hisar would have the jurisdiction to entertain the petition since execution had been filed at Hisar itself.

I have heard learned counsel for the parties and find no ground to entertain in the well reasoned order of the Additional District Judge, Hisar. The judgment rendered in *M/s. Bhandari Udyog Limited vs. Industrial Facilitation Council and others, 2015 (2) RCR (Civil) 918* clearly specifies that the objections against the award can only be raised or the award can only be challenged in the Court in whose jurisdiction the arbitral award was passed. Even though execution might have been filed at Hisar, that would not create any circumstances giving jurisdiction to the Court at Hisar since execution is to be filed where the property is situated.

Dismissed.

July 03, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No