

Sr. No.207

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

**TA No.1002 of 2019 (O&M)
Date of Decision: 21.01.2020**

M/s Shyam Overseas and another

... Applicants

Versus

Haryana Agro Industries Corporation Limited and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Parminder Singh, Advocate,
for the applicants.

Mr. Padam Kant Dwivedi, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

Petition herein is under Section 24 read with Section 151 CPC praying for transfer of the application/objections under Section 34 of the Arbitration and Conciliation Act, 1995 in case ARB 44 of 2019 titled as “Haryana Agro Industries Corporation Ltd. Vs. M/s Shyam Overseas and others” (Annexure P-2) from the Court of Learned District Judge, Panchkula to the competent Court of jurisdiction at Kurukshetra.

2. Brief factual matrix resulting in the present proceeding is that pursuant to an agreement dated 07.10.2014 executed between the parties, certain disputes arose qua delivery of stock of paddy and sending the stock back after milling by the petitioner to respondent No.1. Resultantly arbitration proceedings were invoked pursuant to the agreement, which took place at Panchkula leading to rendering of an award dated 05.07.2019 by the learned

Arbitrator.

3. Aggrieved, the petitioner filed his objections under Section 34 of the Arbitration and Conciliation Act before the Court of learned District Judge, Kurukshetra, wherein notice has already been issued to respondent No.1. On the other hand, respondent also assailed the said award and filed independent objections under Section 34, *ibid* but before the Court of learned District Judge, Panchkula. An anomalous situation has, thus, been created whereas against the same award dated 05.07.2019, two sets of independent objections i.e. one by the petitioner another by respondent No.1 have been filed in two different Courts at Kurukshetra and Panchkula, respectively.

4. I have heard rival contentions of learned counsel and I am of the view that in order to avoid any conflicting orders/judgments on the common issue, the objections filed before Panchkula Court by respondent No.1, which are later in time are required to be transferred to the Court at Kurukshetra wherein the jurisdiction was invoked by the petitioner prior to the filing of the objections by the respondents. Apart from, Kurukshetra Court being seized of the matter prior in time, another aspect which, noteworthy, is that the Court where cause of action has arisen is fully empowered to deal with the objections. In the present case, milling of rice took place in the territorial jurisdiction of Courts at Kurukshetra. Not only that, the office of respondent No.1 located is also at Kurukshetra from where the work was allocated to the petitioner.

5. In view of the aforesaid, it is a fit case where transfer application deserves to be allowed. The petition in question pending before the Court of Learned District Judge, Panchkula is ordered to be withdrawn from that Court and is transferred to the District Judge, Kurukshetra to be tried with the objections filed by the respondent along with arbitration case.

6. Petition stands allowed.

21.01.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No