

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

Sr. No.106

Civil Revision No.287 of 2021

DATE OF DECISION: February 15, 2021

M/S MANAAR ENTERPRISE AND OTHERS

..PETITIONERS

VERSUS

M/S B AND T HOSPITALITY

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners have challenged order dated 11.02.2021 (Annexure P-10) whereby the learned Additional District Judge, Amritsar has entertained the appeal filed against order dated 28.01.2021 (Annexure P-6) passed by the trial Court rejecting the application of the petitioner filed under Section 8 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 1996 Act). Notice of the stay application has also been issued for 03.03.2021.

2. Learned counsel for the petitioners submits that a revision petition against order of the trial Court rejecting an application under Section 8 of the 1996 Act is maintainable and that Arbitrator has already been appointed and statement of claim is to be filed before him today. Thus, stay of further proceedings before the trial Court may be granted.

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3. So far as maintainability of a revision petition against an order rejecting an application filed under Section 8 of the 1996 Act is concerned, the proposition canvassed by learned counsel for the petitioners cannot be entertained in this revision petition as the order under challenge herein is that passed by the Appellate Court. Regarding the contention that statement of claim is to be filed before the Arbitrator today, it is observed that filing of such a claim statement would not in any way prejudice the case of the petitioner before the Civil Court. The Appellate Court has issued notice on the application for stay and the stay matter shall be taken up for consideration on the next date of hearing.

4. Thus, the revision petition has no merit and is dismissed.

February 15, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No