

(In virtual Court)

CR No.2742 of 2021 (O&M)

Date of Decision: 12.11.2021

Hamir Real Estate Pvt. Ltd.

.....Petitioner

Versus

M/s Chat Aroma through Prop. Parvinder Sharma and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. Saurabh Gautam, Mr. Rohit Khanna,
Mr. Kamal Shankar and Mr. Abhyudai Singh, Advocates,
for the petitioner.

Ms. Priyanka Kansal, Advocate for the respondent/Caveator .

RAJBIR SEHRAWAT, J. (ORAL)

This is a revision petition filed under Article 227 of the Constitution of India read with Section 115 and 151 of CPC for setting aside the order dated 18.10.2021 (Annexure P-18) and order dated 28.10.2021 (Annexure P-19) passed by the Civil Judge (Junior Division), SAS Nagar, Mohali.

A perusal of the impugned orders show that the application moved by the petitioner under Section 8 of the Arbitration and Conciliation Act, 1996 (for short, the Act) has been declined and the Court has passed the order to proceed further with the matter in the suit. By way of second order an ad-interim injunction has been granted pending decision on application under Order 39 Rules 1 & 2 CPC.

Learned counsel for the respondent/Caveator has pointed out that the order passed on the application under Section 8 of the Act moved by the petitioner, is appealable under Section 37 (1) (a) of the Act, whereas, the other order is appealable under Order 43 Rule 1 CPC.

In view of the above, the present revision petition is dismissed.

However, the petitioner would be at liberty to avail its remedy of appeal against the respective orders under the respective relevant provisions.

(RAJBIR SEHRAWAT)
JUDGE

12.11.2021
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No