

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

110

**Civil Revision No.3027 of 2021
Date of decision:06.12.2021**

Shakuntla Devi

...Petitioner

Versus

Raj Bai and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner is a plaintiff in a suit for grant of decree of the permanent injunction. She has filed a suit claiming to be an owner in possession of House No.554, Firoz Gandhi Colony-I, Gurugram, on the strength of a sale deed dated 11.05.2017, allegedly executed by Raj Bai widow of Ram Narayan.

Defendant no.1(respondent no.2 herein) claims that the property was under a charge and in the arbitration proceedings, the Arbitration Tribunal has passed an award on 18.05.2018.

The first appellate court has vacated the injunction while observing that Raj Bai mortgaged the property in favour of the respondent no.2 on 19.07.2016 and as the Arbitrator has passed an award, respondent no.2 cannot be restrained from enforcing the award passed by the Arbitral Tribunal.

The learned counsel representing the petitioner contends that the objections filed by the petitioner under Section 34 of the Arbitration and

Conciliation Act, 1996 have already been dismissed.

In the considered opinion of this Court, the award passed by the Arbitrator on 18.05.2018 is enforceable as per the provisions of Section 36 of the Arbitration and Conciliation Act, 1996. Thus, the only remedy available to the petitioner, who has stepped into the shoes of her vendor is to pursue the remedy of filing an appeal against the order dismissing objection petition. The first appellate court has correctly held that no injunction to restrain respondent no.2 from enforcing the award given by the Arbitrator can be passed.

Hence, no ground to interfere in the impugned order is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

December 06, 2021
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No