

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2323 of 2019 (O&M)

Date of Decision: 12.07.2022

M/s Jai Bhole Shanker Rice Mill

... Petitioner(s)

Versus

M/s P.K.Overseas Private Limited and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner(s).

Mr. Abhinav Sood, Mr. Jashan Mohta and
Mr. Abhirrat Arya, Advocates, for the respondents.

Anil Kshetarpal, J.

1. Both the Courts below, on appreciation of documents on the file, have held that in pursuance of an agreement to adjudicate the disputes through the Arbitral Tribunal, the suit filed by the petitioner (plaintiff) for recovery of ₹13,86,623/- is not maintainable.

2. Undoubtedly, the trial Court should have decided the matter under Section 8 of the Arbitration and Conciliation Act, 1996, rather than rejecting the plaint under Order VII Rule 11 CPC. However, in substance, the trial Court has directed the parties to get their dispute resolved from the Arbitral Tribunal as per the agreement. The learned counsel representing the petitioner contends that the aforesaid agreement dated 30.07.2009 is signed by Amar Nath on behalf of the plaintiff, who does not have any connection with the firm. This objection can be taken by the plaintiff before the

Arbitrator, who is competent to adjudicate upon the same.

3. Keeping in view of the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 12, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No