

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

139

**CR-2991 of 2022(O&M)
Date of decision: 01.08.2022**

Virinder Singh Johar

..Petitioner

Versus

Gurinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Bajaj, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

The trial Court has dismissed the application under Section 8 of the Arbitration and Conciliation Act, 1996, for referring the matter to the named Arbitrator.

Two separate applications for issuance of Succession Certificate on account of death of late Sh. Balwant Singh and late Smt. Beant Kaur are pending in the Court. The petitioner (Defendant no.4 in the application) claims that in view of the memorandum of family settlement, dated 26.09.2019, the dispute is required to be referred to Sh. Arvinder Singh Johar, the sole Arbitrator.

This Bench has heard the learned counsel representing the petitioner at length and with his able assistance perused the paper book.

In view of the judgment passed by the Supreme Court in *M/s. N.N. Global Mercantile Pvt. Ltd. vs. M/s. Indo Unique Flame Ltd. and others* (SLP (Civil) Nos.13132-13133 of 2020), decided on 11.01.2021, the dispute with regard to succession of the property is not arbitrable.

The learned counsel representing the petitioner contends that the Court has erred in declaring the memorandum of family settlement to be null and void. The observations made by the Court, while deciding the

interlocutory applications, are not final.

In any case, the revision petition is disposed of while observing that the observations made by the trial Court in the impugned order with regard to the validity of the memorandum of family settlement shall not be construed as final.

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

August 01, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>