

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

Reserved on 24.11.2022

**CR No.3872 of 2013 (O&M)
Date of Decision: 10.01.2023**

Union of India and another

.....Petitioners

Vs

M/s Girdhari Lal and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Deepak Malhotra, Advocate
for the petitioners.

Mr. Gulshan Mehta, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.

[1]. The petitioners have preferred this revision petition against the judgment dated 21.11.2012 passed by the Additional District Judge, Hisar, dismissing the appeal of the petitioners and upholding the judgment dated 27.09.2010 passed by the Civil Judge (Senior Division), Hisar, whereby the

objections filed by the petitioners against the award were dismissed.

[2]. An application under Section 151 CPC for condonation of delay of 69 days in filing the revision petition has also been filed along with the revision petition.

[3]. Vide order dated 27.09.2010 passed by the Civil Judge (Senior Division), Hisar, the award dated 16.06.2003 passed by the Arbitrator (Col. D.B. Gade, Additional Chief Engineer, Office of CE (AF), Allahabad) was made rule of the Court. Respondent No.1 was held entitled for interest @ 15% per annum from 27.09.2010 till final realisation. The objections filed by the objectors/present petitioners against the award were dismissed.

[4]. Against the aforesaid order dated 27.09.2010 passed by the Civil Judge (Senior Division), Hisar, the appeal was preferred before the Additional District Judge, Hisar. The appeal was dismissed vide order dated 21.11.2012 by the Additional District Judge, Hisar on the premise that the appeal against the judgment of Civil Judge (Senior Division) has very limited scope in terms of Section 17 of the Act. Section 17 of the Act prescribes that where the Court sees no cause to remit the award or any of the matters referred to arbitration for reconciliation or to set aside the award, the Court shall, after the time for making an application to set aside the award has expired, or such application having been made, after refusing it,

proceed to pronounce judgment according to the award, and upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except on the ground that it is in excess of, or not otherwise in accordance with the award. The main argument of the petitioners is against the award itself on the ground that the Arbitrator had misconducted himself and had allowed extra amount to the contractor for extraneous consideration. The evidence has not been correctly appreciated and legal position has been misapplied. The grounds taken in the appeal were found to be misplaced as the same were not available to the petitioners in the appeal in view of Section 17 of the Act. The award announced by the Arbitrator has already been made rule of the Court without any modification and there is no question of decree being in excess of or not in accordance with the award. The objections under Section 30 of the Act were considered, wherein issues were framed and both the parties led their evidence. After consideration of the case on merits, the same were dismissed by the trial Court by passing the order dated 27.09.2010, thereby making the award rule of the Court.

[5]. This Court cannot sit as an Appellate Court over the impugned judgments. There is no patent illegality or jurisdictional error in passing the impugned orders and the same do not call for any interference. This revision petition is found to be totally devoid of merits and the same is accordingly

dismissed. Since the main revision petition has been decided on merits, therefore, there is no necessity of passing any separate order in CM No.14057-CII of 2013 for condonation of delay in filing the revision petition and the same is accordingly disposed of.

10.01.2023
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(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No