

2023:PHHC:054657

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
231 CHANDIGARH

CR-5831-2017 (O&M)
Date of Decision: 19th April, 2023

M/s. Audio Voice and another ... Petitioners

Versus

Mrs. Madhulika Singh ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amandeep Vshisth, Advocate for the petitioners.

Mr. Amit Jain, Advocate for the respondent.

AVNEESH JHINGAN, J.(Oral)

1. This petition is filed seeking setting aside of order dated 11.7.2017 whereby application under Section 8 of the Arbitration and Conciliation Act, 1996 was dismissed (for short 'the 1996 Act').

2. Brief facts are that there was a lease deed executed between the petitioner and respondent for letting out the shop No. 01 (UG-01) on the upper ground floor of the complex i.e. R-Mall, Sector 47, Sohna, Gurgaon. The clause of lease deed provided for dispute resolution through arbitration. The respondent filed an eviction petition and during the pendency of the eviction petition, the possession was handed over by the petitioner. The respondent, thereafter, filed a suit for recovery i.e. Suit No. CS-1120 of 2015 in which application under Section 8 of the 1996 Act was filed along with photocopy of the lease deed. The application was dismissed on the ground that petitioner failed to produce either the original copy or the certified copy of the lease deed.

3. Learned counsel for the petitioner submits that lease deed was not a registered document and the original was not in possession of petitioner. He further submits that execution of the lease deed between the parties is not disputed by the respondents.
4. Learned counsel for the respondent on instructions is not disputing the fact that there was a lease deed between the parties and clause in it provided for dispute resolution through arbitration.
5. In view of the above, impugned order is set aside. Matter is remitted back to the Civil Court for deciding application under Section 8 of 1996 Act afresh in accordance with law. Parties shall appear before the Court concerned on 22.5.2023.
6. There is no doubt that the Court concerned considering that the dispute is of the year 2015, an earnest effort would be made to conclude the execution proceedings expeditiously.
7. Petition is disposed of.
8. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

19th April, 2023

anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No