

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1712-2020 (O&M)

Date of Decision : 24.05.2023

Shriram Transport Finance Company Ltd. and AnotherPetitioners

VERSUS

Mohinder SinghRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. Ritesh Pandey, Advocate for the respondent.

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ALKA SARIN, J. (Oral)

1. The present revision petition has been preferred challenging the order dated 15.01.2020 passed by the Court of Civil Judge (Junior Division), Gurdaspur whereby the application filed under Section 8 of the Arbitration and Conciliation Act, 1996 has been dismissed.

2. On 21.03.2022 the following order was passed :

“Taken up in virtual mode.

Learned counsel for the petitioners would contend that vide the impugned order dated 15.01.2020 the application under Section 8 of the Arbitration and Conciliation Act, 1996 has been dismissed by the Civil Judge (Junior Division), Gurdaspur by noticing completely wrong facts in as much as the facts

mentioned in para-2 refer to a Tata Sumo bearing registration No.MH-40-KR-0338, Model-2010 for a loan amount of Rs.4 lakhs, whereas, in the present case the vehicle involved is a Tata Truck bearing registration No.PB-06G-9032 financed for a loan amount of Rs.7,20,000/-. The learned counsel would further contend that the two judgments relied upon by the Civil Judge (Junior Division), Gurdaspur while dismissing the application do not even relate to the application under Section 8 of the Arbitration and Conciliation Act, 1996 but relate to ad valorem Court fee.

Notice of motion returnable 25.07.2022.

Meanwhile, the proceedings before the Court below shall remain stayed.”

3. A perusal of the plaint as well as the application under Section 8 of the Arbitration and Conciliation Act, 1996 reveals that the suit was filed for declaration that the plaintiff-respondent was not liable to pay any amount to the defendant-petitioners. The suit was filed qua tipper (Tata Truck) bearing registration No.PB-06G-9032. However, the impugned order refers to Tata Sumo bearing registration No.MH-40-KR-0338. Even the loan amount mentioned in the plaint and the application under Section 8 of the

Arbitration and Conciliation Act, 1996 is totally different from what has been mentioned in the impugned order.

4. Learned counsel for the plaintiff-respondent is unable to dispute the factual position.

5. In view of the above, the present revision petition is allowed and the impugned order dated 15.01.2020 is set aside. The matter is remanded to the Trial Court to decide the application afresh, in accordance with law, within a period of three months from today. Pending applications, if any, also stand disposed off.

May 24, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO