

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 1382 of 2022 (O&M)

Date of decision: 22nd February, 2023

Mohan Singh

Petitioner

Versus

Magma Fincorp Limited & another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.
Mr. Karan Gabha, Advocate for
Mr. Sandeep Suri, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

This revision petition is filed aggrieved of order dated 12.11.2021 allowing the application under Section 8 of the Arbitration & Conciliation Act, 1996 (for short, 'the Act').

The brief facts are that the petitioner availed loan from the respondents to the tune of Rs.5,08,000/-. He defaulted in repayment. As per the terms and conditions agreed between the parties, there was a mechanism for dispute resolution through arbitration. The arbitration proceedings culminated into the award against the petitioner. The petitioner instead of availing the remedies against the award, filed a civil suit for permanent injunction. The application filed by the respondent under Section 8 of the Act was allowed on 12.11.2021, hence the present petition.

Learned counsel for the petitioner submits that in spite of passing the award, the vehicle cannot be taken by force.

The conduct of the petitioner is evident that the fact that award was passed against the petitioner was withheld from the civil court. It is not even argued today before this court that the petitioner has availed the remedies against the award. The only attempt is to delay the execution of the award.

No interference is called for in the impugned order.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

22nd February, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No