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

Date of decision: 26th May, 2023

1. CR-4402-2019

M/s Shriram Transport Finance Co Ltd

...Petitioner

Versus

Raj Kumar and another

...Respondent(s)

2. CR-4419-2019

M/s Shriram Transport Finance Co Ltd

...Petitioner

Versus

Jitender and another

...Respondent(s)

3. CR-4444-2019

M/s Shriram Transport Finance Co Ltd

...Petitioner

Versus

Amit Kumar and another

...Respondent(s)

4. CR-4460-2019

M/s Shriram Transport Finance Co Ltd

...Petitioner

Versus

Ravinder and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Sukriti Kaur, Advocate and
Mr. Mayank Sharma, Advocate for the petitioners.

None for the respondent(s).

AVNEESH JHINGAN, J (Oral):

1. This order shall disposed of above mentioned four revision petitions as the issue invovled and the facts are similar. For the sake of convenience, the facts are being taken from CR-4402-2019.

2. This petition is filed aggrieved of dismissal of execution

petition filed by the petitioner.

3. The relevant facts are that respondent No.1 (hereinafter referred as judgment debtor) on 6th March, 2014 availed a loan facility to the tune of ₹1,40,000/- from the petitioner. The loan was to be repaid in thirty-one monthly installments. The judgment debtor defaulted in repayment of loan. The arbitration proceedings initiated at the instance of petitioner culminated in *ex-parte* award 15th January, 2016 passed at Gurugram. The award attained finality as none of the parties filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). The petitioner filed execution petitions at Jhajjar claiming that the properties of the judgment debtor were situated in District Jhajjar. In spite of providing numerous opportunities, petitioner failed to give list of properties situated at Jhajjar and moved an application for issuance of conditional arrest warrant of the judgment debtor. The execution petition was dismissed. The Court held that on the failure of the petitioner to substantiate that the judgment debtor was having properties at District Jhajjar, it had no jurisdiction. Hence, the present petitions.

4. Learned counsel for the petitioner submits that *inspite* of best efforts the details of the properties could not be procured. She further submits that there are other modes for execution of the award apart from attachment of the property. She on instructions, at this stage, seeks liberty to avail remedies in accordance with law including filing fresh execution petitions before the Competent Court.

5. The Execution petition at Jhajjar was filed claiming that the assets of the judgment debtor were situated at Jhajjar. On failure to provide list of properties or to substantiate that the Jhajjar Court was the

dismissed for want of jurisdiction.

6. In view of the alternative prayer made by learned counsel for the petitioner, the petitions are dismissed with liberty as prayed for.
7. Since the main case has been decided, pending application, if any is rendered infructuous.
8. A photocopy of this order be placed on the files of connected cases.

[AVNEESH JHINGAN]

JUDGE

26th May, 2023

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No