

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

C.R. No. 4352 of 2019 (O&M)

DECIDED ON: 24th January, 2023

M/s Reliant Infastructure Private Limited and another

.....PETITIONERS

VERSUS

**Permananet Lok Adalat, Union Territory, Chandigarh
and another**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sandeep Khunger, Advocate and
Ms. Nitika Jaura, Advocate for petitioner.
None for respondents.

AVNEESH JHINGAN, J (ORAL)

This revision petition is filed aggrieved of direction given by the Lok Adalat vide orders dated 6.6.2019 to file reply in the main matter and dated 1.7.2019 granting last opportunity to file reply.

The brief facts are that the petitioner is a developer and respondent No.2 purchased an apartment. An agreement dated 7.5.2008 was executed for sale of the apartment. Article 15 of the agreement provided for dispute resolution through arbitration. Respondent No.2 filed a petition before Permanent Lok Adalat on 18.2.2019. The petitioner filed an application under Section 8 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), on 2.4.2019 respondent sought time to file reply to the application. Further time was prayed for on 22.4.2019 and on 16.5.2019 last opportunity was granted for filing reply but no reply was filed. Thereafter, on 6.6.2019 petitioner was asked to file reply in main matter and to raise preliminary objection with regard to jurisdiction of Lok Adalat. On 1.7.2019, last opportunity was granted to petitioner to file reply.

Aggrieved of orders, the present petition is filed.

Notice of motion was issued on 18.7.2019. Considering that the respondent No.2 was resident of Canada, he was ordered to be served through his counsel appearing before the Permanent Lok Adalat where the matter is still pending. From the order dated 4.7.2022 of this Court, it is evident that respondent No.2 was served through junior of his counsel, none had put in appearance. Similar is the position for today.

The grievance of the petitioner is that the decision of application under Section 8 of the Act will determine the jurisdiction of the Permanent Lok Adalat and should be decided at the first instance without forcing the petitioner to disclose his defence prior to the decision of the application.

It is apparent from the orders of the permanent Lok Adalat annexed with the petition that *inspite of* granting number of opportunities, respondent No.2 had not filed the reply and the application under Section 8 of the Act is pending but the petitioner was directed to file reply to main petition.

The impugned orders dated 6.6.2019 and 1.7.2019 are set aside. Let Permanent Lok Adalat decide the application under Section 8 of the Act at the first instance and thereafter proceed with the case accordingly.

The petition is disposed of.

Since the main case has been disposed of, pending application, if any is rendered infructuous.

24th January, 2023

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(AVNEESH JHINGAN)
JUDGE

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