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

CR-2445-2020

Date of decision: 5th May, 2023

M/s HDB Financial Services Ltd.

...Petitioner

Versus

Dinesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vipul Dharmani, Advocate for the petitioner.
Mr. S.S. Momi, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This revision petition is filed seeking quashing of order dated 17th February, 2020 dismissing the execution application.
2. The brief facts are that respondents No.1 and 2 (hereinafter referred as 'respondents') availed a loan facility of ₹2,20,000/-from the petitioner. The terms and conditions provided for resolution of disputes through arbitration. The respondents defaulted in repayment. The arbitration proceedings initiated at the instance of the petitioner culminated in award dated 15th April, 2015. In the execution petition filed by the petitioner on 14th October, 2019, respondents filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). The Executing Court decided the objections on merits and dismissed the execution petition with liberty to the petitioner to go for fresh arbitration.
3. Learned counsel for the petitioner submits that objections under Section 34 of the Act could not have been decided in the execution proceedings.

4. Learned counsel for the respondents defends the impugned order.
5. Heard learned counsel for the parties and perused the pleadings.
6. From the annexures annexed with the petition, it is evident that the objections were filed under Section 34 of the Act and decided by the Executing Court in the execution proceedings. The Executing Court has acted beyond its jurisdiction in entertaining the objections under Section 34 of the Act on merits in execution proceedings.
7. The impugned order is set aside. The petition is disposed of by remitting the matter to the Executing Court to decide the execution petition in accordance with law.
8. Since the main petition is disposed of, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

5th May, 2023
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |