

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

**CM-19730-CII-2019 in/and
FAO-5875-2019 (O&M)
Date of decision: 1st May, 2023**

Punjab State Warehousing Corporation

...Appellant

Versus

Suraj Bhan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kshitij Sharma, Advocate for the appellant.

Mr. Ishan Gupta, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This appeal under Section 37 of Arbitration and Conciliation Act, 1996 (for short 'the Act') is filed aggrieved of acceptance of objections under Section 34 of the Act filed by the respondents.

2. The brief facts are that appellant entered into three lease deeds with the godown owners (for brevity 'owner'). On 1st December, 1994, the deed was terminated. The suit for possession and mesne profit was filed by the owners. The decree was passed on 17th January, 2000 in favour of the owners. The appeal was dismissed on 22nd May, 2001. The regular second appeal filed by the appellant was withdrawn on 23rd January, 2012, for the amicably settling the matter. Thereafter, the parties agreed for referring the dispute for arbitration. The proceedings culminated in award dated 7th February, 2013. After remand under Section 34 of the Act, ultimately, the claim of the godown owners was rejected on 1st March, 2016. The objections filed under Section 34 of the Act by owners were accepted on 4th April, 2019. The award was set aside and considering that

judgment and decree *inter se* the parties had attained finality, liberty was granted to the parties to invoke the remedy before the Civil Court.

3. Learned counsel for the appellant fairly submits that the godown owners had availed the remedy before the Civil court and their application was dismissed on 28th March, 2023.

4. Learned counsel for the respondent is not disputing the factual aspects.

5. In view of the above, no cause of action survives for the appellant to pursue the appeal, the same is disposed of as infructuous.

6. Needless to say the parties would be at liberty to avail remedies in accordance with law if aggrieved of the order passed by Court below. Further parties would be at liberty to avail remedies *vis-a-vis* the amount deposited with the Executing Court in pursuance to the order dated 23rd September, 2019.

[AVNEESH JHINGAN]
JUDGE

1st May, 2023
Parveen Sharma

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