

**229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****FAO-3540-2018 (O&M)****Date of Decision: 18th April, 2023**

Piara Singh and others

... Appellants

Versus

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep K. Sharma, Advocate for the appellants.

Mr. Ish Puneet Singh, Advocate for the respondents.

AVNEESH JHINGAN, J.(Oral)

1. This appeal under Section 37 of Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act') is filed aggrieved of dismissal of appeal.

2. Brief facts are that the land of the appellants was acquired for widening and strengthening of National Highway No.1. The arbitration proceedings were initiated under Section 3-G(5) of National Highways Act, 1956 (for short 'the 1956 Act') at the instance of land owners. The arbitration proceedings culminated in award dated 30.8.2013. The land owners on a wrong advice instead of filing objections under Section 34 of the 1996 Act filed appeal before the District Judge, Ludhiana. The appeal was dismissed as not maintainable as well as on the ground of limitation.

3. The limited prayer made by learned counsel for the appellant is that instead of dismissing the appeal as not maintainable, the appeal should have been returned.

3. Learned counsel for the respondents raises an objection that appeal under Section 37 of the 1996 Act is not maintainable against the impugned order.
4. It is settled law that the party should not be made to suffer due to the conduct of the counsel, reference in this regard is made to the decision of the Supreme Court in **Rafiq and another v. Munshilal and another, AIR 1981 SC 1400**. Having conspectuous of the facts, considering that the land owners are being deprived of the statutory remedy due to wrong advice, on oral request made on behalf of learned counsel for the appellant and in the interest of justice, the present FAO is treated as Civil Revision. The impugned order is modified to the extent that the appeal filed by the petitioners shall be treated as returned.
5. Petition is disposed of.
6. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

18th April, 2023
anuradha

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