

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

FAO No.7040 of 2018 (O&M)

DECIDED ON: 17th February, 2023

Mohan Singh

....APPELLANT

VERSUS

M/s Shri Ram Transport Finance Company Ltd. and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sahil Soil, Advocate for
Mr. S.P. Soi, Advocate for appellant.

Mr. G.S. Sandhu, Advocate for respondents.

AVNEESH JHINGAN, J (ORAL)

This is an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') aggrieved of dismissal of the objections under Section 34 of the Act.

The facts in brief are that the petitioner availed a loan facility of Rs.20,50,000/- from the respondent-company for purchasing the vehicle. The terms and conditions provided dispute resolution through arbitration mechanism.

The appellant defaulted in repayment of loan. An Arbitrator was appointed, proceedings culminated into award dated 31.3.2017. The appellant appeared in the arbitration proceedings and then chose not to contest, resulting in ex-parte award. The objections under Section 34 of the Act were filed on the ground that the appellant was not properly served. A specific finding was recorded that the appellant appeared before arbitrator in person on 11.7.2015 and 31.7.2015 and for his identification he produced his driving licence. The Objections were dismissed.

Before this Court also the contention is that the appellant was not properly served. In view of the specific finding in the impugned order and limited scope of interference under Section 37 of the Act, the appeal is dismissed.

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

17th February, 2023
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>