

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

CR-794-2020

Date of Decision: 15th February, 2023

Baldev Singh (since deceased) through his legal representatives
... Petitioner

Versus

Punjab Small Industries & Export Corporation Sector 17, Chandigarh and
another
... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Brijesh Nandan, Advocate for the petitioner.
Mr. R.N. Sharma, Advocate for respondent No.1.

AVNEESH JHINGAN , J.(Oral)

1. This revision petition is filed against order dated 6.9.2019 passed by Civil Judge, Sr. Division, UT Chandigarh.

2. Brief facts of the case are that Baldev Singh (deceased) was allotted a labour contract by respondent No.1. Clauses of the contract provided for dispute resolution through arbitration. The dispute between the parties was referred to the respondent No.-2/Arbitrator. Arbitration proceedings culminated into award dated 24.8.1988. Execution application was filed. The objections filed were dismissed vide order dated 1.12.2001 and the award was made Rule of Court on 1.2.2004. The order dated 1.12.2001 was set aside on 14.9.2007 by the Additional District Judge, Chandigarh and the Trial Court was directed to decide the matter afresh after reconstruction of award as well as arbitration proceedings file. During the pendency of the execution petition, Baldev Singh expired and execution petition was dismissed for non-prosecution. Later by filing an application, legal heirs of Baldev Singh were impleaded and execution petition restored.

The execution proceedings were disposed of as the award and the arbitration record was not traceable and there was no source available for reconstructing it. Liberty was granted to revive the proceedings in case the arbitration proceedings file is traced.

3. Learned counsel for the petitioner submits that the arbitrator appeared in pursuance to the notice for reconstruction of the record and stated that entire record was sent to the Court.

4. Learned counsel for the respondent submits that it is an old matter and no record is available.

5. The findings recorded in the impugned order are that reconstruction of the record is not possible as nothing is available with any source. It is not disputed even by learned counsel for the petitioner that the record of the arbitration sent to the Court went missing.

6. No case is made out for interference. Revision petition is dismissed.

7. Needless to say that the legal heirs of the petitioner were granted liberty to revive the execution proceedings in case the record is traced out.

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

(AVNEESH JHINGAN)
JUDGE

15th February, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No