

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CR-7381-2023 (O&M)
Date of Decision:-18.12.2023

Hardev Singh ... Petitioner

Versus

M/s R.N. Kapoor Textile Private Limited and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bali, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 1.7.2023 (Annexure P-7) passed by learned Additional District Judge, Chandigarh vide which an application under Order 1 Rule 10 read with Section 151 CPC for being impleaded as a party in the proceedings under Section 34 of Arbitration and Conciliation Act (hereinafter referred to as '*the Act*'), has been dismissed.
2. A few facts necessary to notice for disposal of this petition are that respondent No.1 is running a textile factory opposite to the premises of the petitioner. Respondent No.1 had got his premises/business insured with respondent No.2. A fire took place in the premises of respondent No.1, which also spread to the house of the petitioner leading to damage to the property of the petitioner. The agreement between respondents No.1 and 2 pertaining to the insurance provided for settlement of disputes through arbitration and

consequently an Arbitrator was appointed so as to resolve the dispute between respondents No.1 and 2 as regards the compensation amount. The awards came to be passed on 14.12.2019 and 26.12.2019 (Annexures P-1 and P-2). Subsequently, the insurance company preferred a petition under Section 34 of the Act before the Court of learned Additional District Judge, Chandigarh, which is still pending. It was during the pendency of said proceedings under Section 34 of the Act that the petitioner moved an application under Order 1 Rule 10 read with Section 151 CPC for being impleaded as a party on the premises that he had also suffered loss/damage on account of same fire, the matter in respect of which had been adjudicated by the Arbitrator. However, the said application has been declined by the Court of learned Additional District Judge, Chandigarh on the ground that there was no agreement between the petitioner and the respondents.

3. Learned counsel representing the petitioner has vehemently argued that since the cause of auction arose out of the same incident of fire, therefore, the petitioner had a right to get his claim adjudicated in the arbitration proceedings, which had already been initiated. It has been submitted that as a matter of fact respondent No.1 had given assurance to the petitioner that he will share a part of the compensation amount, which is awarded to him in the arbitration proceedings but somehow the same has not been shared till date. Learned counsel has further submitted that the petitioner is virtually left without an effective remedy while respondent No.1, in whose premises the fire had actually arisen leading to damage to the property of the petitioner as well, has been fully compensated.
4. This Court has considered the aforesaid submissions.

5. It is not disputed that neither there was any agreement between the petitioner and respondent No.2 nor any written understanding between the petitioner and respondent No.1 with respect to indemnifying of any damage caused to the petitioner.
6. Learned counsel for the petitioner has fairly informed that the petitioner has also instituted a civil suit against respondent No.1 seeking damages on account of the fire, which had spread on to his premises from the factory premises of respondent No.1.
7. In view of the aforestated position particularly the fact that there is no agreement between the parties and also the fact that the petitioner is already pursuing his appropriate remedy by way of instituting a civil suit, this Court is of the opinion that there is no infirmity in the impugned order dated 1.7.2023 (Annexure P-7) passed by learned Additional District Judge, Chandigarh and the same is hereby upheld. Finding no merit in the present petition and the same is hereby dismissed.

18.12.2023

Pankaj

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No