

Neutral Citation No. **2024:PHHC:010097**

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

209
FAO-444-1992
Date of Decision:24.01.2024

Union of India and another
... Appellants

Vs
M/s Mehar Singh and sons and another
... Respondents

209(2)
FAO-504-1992

M/s Mehar Singh and sons
... Appellant

Vs
Union of India and others
... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Satya Pal Jain, ASG, with
Mr. Lokesh Narang, Advocate for UOI

Mr. Dheeraj Mahajan, Advocate
for the appellant in FAO No. 504 of 1992 and
for the respondents in FAO No.444 of 1992.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of both the above-noted appeals.
2. Both the appeals have been filed challenging order dated 24.01.1992 whereby on a petition filed under Section 14(2) and 17 of the Arbitration Act, 1940, arbitral award was made a rule of the Court and objections filed to the award by Union of India were rejected. While making the award, a rule of the Court, learned Senior Sub-

Judge, Amritsar modified the interest awarded in favour of the Contractor.

3. Counsel for the contractor-appellant in FAO No.504 of 1992 and respondent in FAO No. 444 of 1992, submits that during the pendency of the appeals, the pecuniary jurisdiction of the District Judge has been revised and the District Judge would be the competent court to decide the appeals. He has made a reference to Section 39 of the Punjab Courts Act, 1918, as amended in 2006, which is reproduced as under:-

“39. Appeals from Civil Judge (Senior Division) and Civil Judge (Junior Division).-(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge (Senior Division) and Civil Judge (Junior Division), shall lie to the District Judge, irrespective of the value of the original suit.

(2) Subject to the provisions of sub-section (3), an appeal to the Court or the District Judge shall be heard by the District Judge or by an Additional District judge.

(3) An Additional District Judge shall hear only such appeals, as the High Court may, by general or special order direct, or as the District Judge of the District may entrust to him.

(4) All appeals from a decree or order of a Civil Judge (Senior Division) and Civil Judge (Junior Division) pending in the High Court, irrespective of the value of the original suit, shall be transferred to the District Judge exercising ordinary territorial jurisdiction.

(5) The High Court may, by notification, direct that appeals lying to the District Judge from all or

any of the decrees or orders passed in any original suit by an Civil Judge (Senior Division) and Civil Judge (Junior Division), shall be preferred to such other Civil Judge (Senior Division) and Civil Judge (Junior Division), as may be specified in the notification, and the appeals shall thereupon, be preferred accordingly, and the Court of such other Civil Judge (Senior Division) and Civil Judge (Junior Division), shall be deemed to be a District Court for the purpose of all appeals so preferred.”

4. In view of the above change, there can be no opposition to the prayer made by counsel for the contractor. As a result, both the matters are remitted to the District Judge, Amritsar to decide the appeals in accordance with law as expeditiously as possible. Learned District Judge, Amritsar may decide the appeal himself or assign it to any other court of competent jurisdiction.
5. Both the appeals are disposed of.

24.01.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No