

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

(139)

FAO-807-1993

Date of decision:- 20.03.2024

Punjab State Electricity Board

... Appellant

Versus

M/s Arkays Electricals and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None.

SUVIR SEHGAL, J. (ORAL)

1. Instant appeal has been filed impugning order dated 05.01.1993 passed by the learned Sub Judge Ist Class, Patiala on an application under Section 14 of the Arbitration and Conciliation Act, 1940 (for short “the Act”) moved by the appellant.
2. After the original award was filed by the learned Arbitrator before the Court, appellant preferred objections under Section 30 of the Act, which have been dismissed and the award has been made rule of the Court by the order under challenge.
3. By award dated 09.12.1989, learned Arbitrator-respondent No.2 rejected the claim of the appellant and came to the conclusion that respondent No.1 was not liable to make any payment. Aggrieved with the impugned order, appellant has approached this Court by filing the instant appeal under Section 39 of the Act.
4. During the pendency of the appeal, pecuniary jurisdiction of the District Judge, has been revised and the District Judge would be the competent court to decide the appeal. Reference in this regard may be made

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.”

5. In view of the above amendment, appeal is disposed of. Matter is remitted to the learned District Judge, Patiala, for decision in accordance with law as expeditiously as possible. Learned District Judge, Patiala, may decide the appeal himself or assign it to any other court of competent jurisdiction.

20.03.2024

(SUVIR SEHGAL)

Kamal

JUDGE

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