



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-1198-2024 (O&M)

Date of Decision:05.09.2024

M/S CHOLAMANDLAM INVESTMENT
AND FINANCE COMPANY

... Petitioner

V/S

HARWINDER SINGH AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ajit Singh, Advocate for
Mr. Harsh Chopra, Advocate for the petitioner.

SUVIR SEHGAL, J. (ORAL)**CM-12495-CII-2024**

1. Application is allowed, as prayed for.
2. Interim orders passed by the trial Court, are taken on record as Annexure P-7, collectively.

Main case.

3. By way of present revision petition, petitioner has *inter alia* sought setting aside the impugned order dated 02.11.2023, Annexure P-5, whereby application for restoration of petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') has been dismissed.
4. Counsel for the petitioner has been heard.
5. Concededly, during pendency of the petition under Section 9 of the Act, an Arbitrator was appointed and he has passed award dated 12.10.2020, Annexure P-6. Petition under Section 9 of the Act was



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dismissed for non-prosecution on 11.05.2022, Annexure P-3. Petitioner has filed an application for restoration, which has been rejected by the impugned order. Once the Arbitrator has been appointed and he has passed an award, the very purpose of the petition under Section 9 stands achieved. Therefore, no interference is called for in the impugned order.

6. Counsel for the petitioner submits that the petitioner is facing a difficulty because of an observation made by the learned Additional District Judge, Ludhiana, in order dated 11.05.2022, Annexure P-3, whereby it was directed that the vehicle if any, already in the possession of the receiver/Bank be returned to the owner. He submits that vehicle is lying in an open yard and its condition is deteriorating.

7. In the above background, the petitioner is granted liberty to move an appropriate application before the Additional District Judge, Commercial Court, Ludhiana for modification of the order dated 11.05.2022.

8. Petition is disposed of, with the above liberty.

05.09.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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