

FAO-3267-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(233)

FAO-3267-2022 (O&M)
Date of decision:- 30.01.2024

Rajpal Singh @ Rajpal Singh Sarav

... Appellant

Versus

Competent Authority-cum-DRO and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sarvesh Kumar Gupta, Advocate for
Mr. Ram Bilas Gupta, Advocate for the appellant.

Mr. Vivek Singla, Advocate and
Ms. Urvashi Singh, Advocate for the respondents.

SUVIR SEHGAL, J. (ORAL)

CM-11338-CII-2022

1. For the reasons given in the application, it is allowed.
2. Delay of 195 days in the re-filing of the appeal is condoned.

Main case

1. The instant appeal has been filed by claimant/landowner-appellant under Section 37 of the Arbitration and Conciliation Act, 1996 (for short “the Act”) assailing judgment dated 17.03.2021 passed by the learned Additional District Judge, Faridabad, whereby Objection Petition, preferred by him, under Section 34 of the Act has been dismissed.
2. Counsel for the appellant submits that the Objection Petition has been dismissed both on merits as well as on limitation. He submits that while calculating the limitation period for filing the objections, the learned Additional District Judge has erroneously computed the period from the

date of the signing of the award, whereas in terms of Section 34 of the Act, limitation for filing the objections has to be computed from the date a signed copy of the award is delivered. By making a reference to the chart reproduced in the order (at page 25 of the paper-book), counsel submits that a certified/signed copy of the award was made available on 10.05.2018 and the objections were instituted on 08.08.2018 that is, on the 90th day and are within the prescribed period of limitation. Still further, counsel submits that in a similar circumstances, this Court in *FAO No.3431 of 2022* titled as “*Mangal Singh and others Verus Competent Authority-cum-DRO and another*”, decided on 25.01.2023 has set aside the impugned order and remitted the matter to the Court for decision of the objections afresh.

3. Counsel representing the respondent is not in a position to dispute these facts.
4. In view thereof and for view of the reasons given by this Court in *Mangal Singh’s* case (supra), impugned judgment dated 17.03.2021 cannot be sustained and is hereby set aside. Matter is remitted back to the Court concerned to decide the objections filed under Section 34 of the Act, afresh.
5. Appeal is disposed of.
6. Parties are directed to appear before the Court concerned on 13.03.2024.

30.01.2024

Kamal

(SUVIR SEHGAL)

JUDGE

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