

CR-4039 of 2024

-1-

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

106

CR-4039 of 2024

Date of decision:25.10.2024

Gurpreet Singh

...Petitioner

Versus

Shri Ram Transport Finance Company Ltd. and another ...Respondents

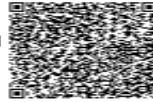
CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

SUVIR SEHGAL, J.

1. Petitioner is aggrieved by order dated 25.05.2023, Annexure P-3, passed by the learned Additional District Judge, Moga, in Execution case No.28 of 05.02.2021 titled as ***Shriram Transport Finance Company Vs. Gurpreet Singh and another***, vide which, execution petition has been transferred to the Court of Civil Judge (Sr. Division) Moga.

2. Counsel for the petitioner has urged that the petitioner had taken a vehicle loan of Rs.9,74,000/- for purchase of a TATA vehicle. Claiming that the petitioner has defaulted in repayment of loan instalments, respondent No.1 initiated the arbitration proceedings, which culminated in passing of award dated 11.09.2020, Annexure P-1. Petitioner preferred objections under Section 34 of the Arbitration and Conciliation Act, 1996



CR-4039 of 2024

-2-

(for short “the Arbitration Act”), which are pending and the respondent No.1 filed an execution petition. He submits that vide impugned order, Annexure P-3, learned Additional District Judge, Moga, has erred in transferring the execution petition to the Court of Civil Judge (Sr. Division) Moga, who does not have the jurisdiction to try the matter.

3. I have heard counsel for the petitioner and considered his submission.

4. Sub-Section 3 of Section 15 of Commercial Court, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, (for short “the 2015 Act”), provides for transfer of any suit or application, including an application under the Arbitration Act, relating to a commercial dispute of specified value to the Commercial Division or the Commercial Court. By notification dated 14.06.2019, Government of Punjab has designated the Court of Civil Judge (Senior Division)/Additional Civil Judge (Senior Division) and Civil Judge (Junior Division, having more than five years service), in each District and Sub Division to be the Commercial Court in cases of specified value between rupees three lacs to fifty lacs for the purpose of exercising the jurisdiction and powers conferred under the 2015 Act. The notification is reproduced hereunder:-

“PART III

GOVERNMENT OF PUNJAB

DEPARTMENT OF HOME AFFAIRS AND JUSTICE

(JUDICIAL-1 BRANCH)

NOTIFICATION

The 14th June, 2019



No. S.O. 57/C.A.4/2016/S.3/2019.- In supersession of the Government of Punjab, Department of Home Affairs and Justice, Notification No.S.O.40/ C.A.4/2016/S.3/2016, dated the 20th April, 2016, and in exercise of the powers conferred by sub-section (1) of section 3 of the Commercial Court, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (Central Act No. 4 of 2016), and all other powers enabling him in this behalf, the Governor of Punjab in due consultation with the High Court of Punjab and Haryana, is pleased to constitute the courts of the Civil Judge (Senior Division)/ Additional Civil Judge (Senior Division) and Civil Judge (Junior Division, having more than five years Service), in each District and Sub-Division in the State, to be Commercial Courts', to decide the cases of the specified value of rupees three lac to rupees fifty lac, for the purpose of exercising the jurisdiction and powers conferred on the said courts under the aforesaid Act.

Dr. N.S. KALSI,

Additional Chief Secretary to

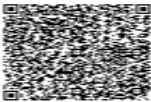
Government of Punjab, Department of

Home Affairs and Justice.”

5. Vide award, Annexure P-1, learned Arbitrator has awarded an amount of Rs.17,19,953/- in favour of respondent No.1 alongwith interest @18% p.a. from the date of filing of the claim petition till realization. It is, therefore, evident that the awarded amount falls within the limit specified under the above reproduced notification issued under the 2015 Act and the execution petition has to be tried by the designated Commercial Court.

6. This Court, therefore, does not find any infirmity or illegality in

the order passed by the learned Additional District Judge.



CR-4039 of 2024

-4-

7. Petition is bereft of merit and is hereby dismissed.

25.10.2024
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No