

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

112

FAO-3072-2021 (O&M)
Date of Decision:12.03.2024

Jaipal

.... Appellant

Vs

Hinduja Layland Finance Ltd. and another

.... Respondents.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Dinesh Arora, Advocate for the appellant.

None for respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') assailing the order dated 25.03.2021 passed by the learned District Judge, Rohtak, whereby application filed by respondent No.1 under Section 9 of the Act has been allowed.

2. On 05.03.2024, this Court passed the following order:-

"On 24.01.2023, this Court passed the following order:-

“This appeal was filed aggrieved of order dated 25th March, 2021 passed under Section 9 of Arbitration and Conciliation Act, 1996.

It is not disputed that the possession of the financed vehicle was taken by the respondent on

22nd November, 2021, notice of motion was issued and subject to deposit of Rs. 5,00,000/- within three weeks, the alienation or creation of any kind of charge was stayed. As per counsel for the respondent till date amount has not been deposited.

It would be appropriate to mention here that the matter is being adjourned on failure of the appellant to deposit the amount in consonance with the order dated 22nd November, 2021.

On 19th May, 2022, last opportunity was provided to the learned counsel for the appellant for having instructions.

Today, Mr. Nikhil Vats, Advocate appearing on behalf of learned counsel for the appellant seeks adjournment. He on instructions submits that he is not getting any instructions from the client with regard to the deposit made.

On the other hand, learned counsel for the respondent on specific instructions is opposing adjournment stating that no amount has been deposited.

List on 13th July, 2023.

It is clarified that pendency of this petition shall not be construed as an impediment for the respondent to deal with the financed vehicle as per

law or for the arbitrator to proceed with the arbitration proceedings.”

Parties shall apprise the Court of the latest position.

List on 12.03.2024.

To be shown in the urgent cause list.

No further opportunity will be granted."

3. It is evident from the above that despite indulgence shown by this Court, appellant has failed to make the deposit.
4. In view thereof, there is no option left with the Court except to reject the appeal.
5. Appeal is dismissed.

12.03.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>