



CR-4832-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(112)

CR-4832-2022 (O&M)
Date of decision:- 24.09.2024

Ashok Kumar

... Petitioner

Versus

M/s Nihal Motors Financers and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Aakash Singla, Advocate
for the petitioner.Mr. Sherry K. Singla, Advocate
for the respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Instant revision petition has been filed under Article 227 of the Constitution of India assailing order dated 20.04.2022 as well as order dated 07.06.2022, Annexure P-11, passed by the learned Additional District Judge, Patiala in petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short "the Arbitration Act").
2. Counsel for the petitioner submits that the respondents had filed a petition under Section 9 of the Arbitration Act along with the prayer for interim directions. By referring to the notings on the order sheets, he submits that although the Court issued notice to the respondents, but without the requisite process charges were not deposited by the respondent and without effecting service upon the petitioner, impugned order has been passed.

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3. Counsel for the respondent No.1 submits that the petition under Section 9 of the Arbitration Act has been withdrawn on 30.08.2022 and the present revision petition has become infructuous. He has instructions to state that the petitioner has already filed an application under Section 144, CPC for restitution, which is pending.

4. I have heard the counsel for the parties and considered their respective submissions.

5. During the pendency of this petition, counsel for respondent No.1 had made a statement that an award has been passed. Despite a specific direction by this Court, respondent No.1 has failed to produce a copy of the award. The impugned order was passed in a petition under Section 9 of the Act, which has already been withdrawn. Therefore, the challenge to the said order has become infructuous and the petition is dismissed as such.

6. As the petitioner has already filed an application for restitution, the same be decided as expeditiously as possible in accordance with law.

7. Pending application, if any, stands disposed of.

(SUVIR SEHGAL)
JUDGE

24.09.2024

Kamal

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