



CR-5408-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CR-5408-2024

Date of decision: 18.09.2024

SURJIT SINGH

...PETITIONER

VS.

HDFC BANK LTD. AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

1. Instant revision petition has been filed under Article 227 of the Constitution of India *inter alia* for setting aside order dated 09.05.2024, Annexure P-1, passed by the learned Executing Court, whereby objections filed by the petitioner/judgment-debtor No.2 to the execution proceedings filed under Section 36 of the Arbitration and Conciliation Act, 1996 (for short "the Act") have been rejected.

2. Counsel for the petitioner submits that an agricultural loan agreement dated 07.02.2013 was entered into between the parties and on default in repayment of the installments, Bank-respondent No.1 made a reference to a sole Arbitrator. An *ex parte* award dated 05.04.2023, Annexure P-2, was passed holding the petitioner as well as respondents No.2 and 3 liable for payment of Rs.6,35,257.26 alongwith interest @ 12% p.a. from the date of filing of the claim petition. He submits that after an execution petition, Annexure P-3, was instituted by the Bank-respondent No.1, petitioner filed objections, which have been rejected vide order impugned herein. It is his argument that the petitioner was not duly served and one of the judgment-debtors was residing abroad.

Therefore, the arbitral proceedings held in their absence are not valid. He asserts that the petitioner had submitted an application dated 18.04.2024, Annexure P-6, for one time settlement, but the bank refused to accept.

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

4. Undisputedly, petitioner has not filed any objection petition under Section 34 of the Act. He filed objections to the execution on the sole ground that he was not duly served. This objection has been rejected by the Executing Court by observing that the Executing Court cannot go beyond the decree. The objections filed by the petitioner to the execution petition are not maintainable as has been held by the Allahabad High Court in *State of U.P. and others Versus Shri Raj Veer Singh, 2024 SCC Online Allahabad 1094*. The Allahabad High Court has held that the arbitral award does not come within the definition of a decree as envisaged under Section 2(2) of the Code of Civil Procedure, 1908, and once an award passed under the Arbitration Act attains finality, objections can only be taken in proceedings under Section 34 of the Act. The opposition raised by the petitioner under Section 47 of the CPC challenging the legality and validity of the award on various grounds is not maintainable and the learned Executing Court has not committed any error or infirmity in dismissing the same.

5. Petition is devoid of merit and is hereby dismissed with no order as to costs.

18.09.2024

(SUVIR SEHGAL)
JUDGE

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