

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

119

CR-6109-2023

Date of decision:06.02.2024

DEEPAK KUMAR

... PETITIONER

VS.

VINOD KUMAR AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Deepak Jain, Advocate and  
Mr. Akshay Jain, Advocate for the petitioner.

**SUVIR SEHGAL J.**

1. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 03.08.2023, Annexure P-5, passed by the learned District Judge, Sirsa, in execution application No.270 of 2023 filed by the petitioner.

2. Brief facts may be noticed.

3. A property dispute arose amongst family members, which was referred to an Arbitrator for resolution and culminated in passing of award dated 12.12.2006. An execution application was filed by Deepak Kumar (petitioner No.1) and his brother, Sanjay Kumar, which was dismissed as having been fully satisfied and acted upon by order dated 18.08.2007, Annexure P-1, passed by the learned District Judge, Sirsa. One of the parties to the arbitral award instituted a suit challenging the award, which was dismissed by CJ(JD), Ellenabad, by judgment and decree dated 15.01.2013, Annexure P-2, and an appeal preferred there-against was dismissed in default for want of prosecution by order dated 24.08.2015, Annexure P-3. Petitioner claims that the mutation in the revenue record has not been entered in terms of the arbitral award despite submitting various representations. Sanjay Kumar filed a suit seeking direction to the revenue

authorities to sanction the mutation on the basis of the award, which is pending. Another execution application bearing No.270 of 2023, Annexure P-4, has been filed by the petitioner, which has been dismissed by the learned District Judge, Sirsa, vide order impugned herein.

4. Counsel for the petitioner has been heard and his contentions have been considered.

5. Arbitral award was passed on 12.12.2006. Section 36 of the Arbitration and Conciliation Act, 1996, by its deeming fiction, requires the Court to proceed to enforce the Award by treating it to be a decree of the Court. Therefore, the statute is unambiguous that for the purposes of execution, the Award is, in fact, a decree and is straightaway enforceable as such. An execution petition was filed by the petitioner, which was dismissed as having been satisfied vide an order, Annexure P-1. Second petition for execution has been filed on 20.07.2023, which is clearly beyond the prescribed period of limitation. Institution of a civil suit by one of the parties to the award would not extend the period of limitation and reliance placed thereon, is of no aid to the petitioner. Furthermore, when the first execution petition has been dismissed as satisfied, there is no occasion for the petitioner to file a second petition for the execution of the same award.

6. This Court does not find any irregularity or illegality in the order passed by the Executing Court.

7. Finding no merit in the petition, it is hereby dismissed.

06.02.2024

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(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |