

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7430-2019(O&M)

Date of Decision :- 22.03.2024

Rajinder Kapoor

.....Petitioner

Versus

Avinash Chander and another

.....Respondents

CORAM:-

HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:

Mr.M.S. Sachdev, Advocate
for the petitioner.

Mr.Sunil Garg, Advocate
for the respondents.

SUVIR SEHGAL, J. (ORAL)

1. By way of present revision petition filed under Article 227 of the Constitution of India, petitioner has approached this Court, *inter alia*, for setting aside of order dated 16.10.2019, Annexure P1, passed by Civil Judge (Jr.Divn.), Jalandhar, whereby application filed by the petitioner under Section 4 read with Section 8 of Arbitration & Conciliation Act, 1996 (for short – ‘the Act’) for referring the matter to the Arbitrator and for dismissal of the suit, has been dismissed.

2. When confronted with the maintainability of the revision petition in view of Section 37 (1) (a) of the Act, counsel for the petitioner has sought permission to withdraw the present petition with

liberty to take the recourse to the remedy available to the petitioner under the Act. He, however, submits that as an interim order has been passed in his favour, the same may be kept alive till the time he avails the remedy.

3. Although prayer has been opposed by the counsel for the respondents, but considering that the matter is pending before this Court since November, 2019, petitioner is granted permission to withdraw the present revision petition with liberty as aforesaid.

4. Dismissed as withdrawn with liberty as aforesaid. The operation of the interim order passed by this Court on 29.11.2019 shall remain in operation for the period of one month from today in order to enable the petitioner to take recourse to the alternate remedy. It will be open to the petitioner to move appropriate application before the Appellate Court for condonation of delay, if permissible, in accordance with law.

5. Pending miscellaneous application (s), if any, stand disposed of.

22.03.2024
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No