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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3407-2018(O&M)

Date of Decision: 27.11.2025

Prem Kumar

....Petitioner(s)

Versus

Jagdish Kumar Gupta (deceased) through LR's and others

.....Respondent(s)

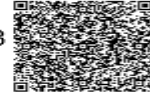
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Inderjeet Sharma, Advocate,
for the petitioner.Mr. Deepak Aggarwal, Advocate,
for respondent No.1.

JASGURPREET SINGH PURI, J. (Oral)

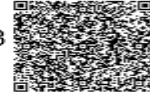
1. The present petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 25.04.2018 (Annexure P-5) passed by learned Additional District Judge, Bathinda, whereby respondent No.1 has been directed to pay Rs.6,75,000/- as per award dated 17.08.2003 and the petitioner has been directed to give his statement regarding no objection qua the properties.

2. Learned counsel appearing on behalf of the petitioner submitted that there was a family dispute between the petitioner and the respondents who are brothers and in pursuance of the arbitration clause contained in a settlement between them, the matter was referred by mutual consent to an



Arbitrator, who passed the award vide Annexure P-1. He submitted that various claims with regard to the property have been settled but the subject matter of the present petition pertains only to the amount deposited in respect of property No. 4, wherein it has been so directed that respondent No.1-Jagdish Kumar Gupta will pay an amount of Rs.13,50,000/- to the petitioner-Prem Kumar and his brother-Rajpal in equal share. He submitted that so far as the half of the aforesaid amount i.e. Rs.6,75,000/- is concerned, the same has already been paid to the aforesaid Rajpal regarding which the legal representatives of Rajpal have also not raised any dispute and therefore, the same is also not the controversy of the present case. He submitted that only controversy in the present case is with regard to the remaining amount of Rs.6,75,000/-, which respondent No.1-Jagdish Kumar Gupta was to pay to the petitioner. He further submitted that although in the aforesaid arbitration award, no interest has been granted but by virtue of the provisions of Section 31(7)(b) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), the amount will also earn interest till the same is paid by respondent No.1. He submitted that although respondent No.1 deposited the aforesaid amount in the Court but the same will also earn interest by virtue of the provisions of Section 31(7)(b) of the Act and the same issue has not been considered by learned Executing Court.

3. He further submitted that the execution application is still pending before learned Executing Court and a direction may be issued to learned Executing Court to decide the aforesaid issue of grant of interest in accordance with law and particularly by virtue of the provisions of Section 31(7)(b) of the Act.



4. On the other hand, learned counsel for respondent No.1. submitted that with regard to the aforesaid amount of Rs.6,75,000/-, respondent No.1 had already deposited the aforesaid amount before learned Executing Court in the year 2018 by way of a demand draft and as per his instructions, the same has already been taken by the petitioner and therefore, the aforesaid amount has been paid to the petitioner. He further submitted that so far as the interest aspect is concerned, since the Sole Arbitrator did not award any interest, the respondents will not be liable to pay the same.

5. I have heard the learned counsels for the parties.

6. The only dispute as so stated by both the learned counsels for the parties is pertaining to the aforesaid amount of Rs.6,75,000/-, which was required to be paid to the petitioner by respondent No.1 qua aforesaid property No.4. As per the learned counsel for the respondents, the aforesaid amount stands paid to the petitioner but as per the learned counsel for the petitioner, the aforesaid amount has not been paid. With regard to the interest component, as per the learned counsel for the petitioner, the same was payable under the provisions of Section 31(7)(b) of the Act, even if the same was not awarded in the award. It was so submitted by the learned counsel for the petitioner that the execution application is still pending before learned Executing Court in this regard.

7. After hearing the learned counsels for the parties and considering the limited controversy involved in the present case pertaining to the aforesaid amount of Rs.6,75,000/- and the interest component, it is directed that learned Executing Court shall consider the aforesaid issue and pass an order pertaining to as to whether factually the aforesaid amount of

Rs.6,75,000/- has been paid by respondent No.1 to the petitioner or not and with regard to the interest component, the same will be decided in light of Section 31(7)(b) of the Act and thereafter, further procedure will be carried out in accordance with law.

8. Consequently, the present petition is disposed of.

27.11.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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