IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230 **CWP-8678-2022**
Date of Decision : **February 04, 2025**

GURPREET SINGH

.....Petitioner

VERSUS

CHAIRMAN PERMANENT LOK ADALAT BATHINDA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. A.S.Virk, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as cast under Articles 226/227 of the Constitution of India, prayer is made for setting aside the impugned order dated 10.1.2022 passed by the Permanent Lok Adalat, Bathinda.

2. Succinctly, the brief facts are that the petitioner had raised a loan of Rs.6,35,000/- on 5.6.2015 from respondent No.2. Thereafter, a dispute arose on account of non-payment of installments of loan, which propelled the petitioner to approach the Permanent Lok Adalat concerned in the year 2017 and during the pendency of the case, respondent No.2 has also sold the vehicle in question.

3. Upon notice, respondent No.2 has filed an application with a request to the Permanent Lok Adalat concerned to refer the matter under

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Section 8 of the Arbitration and Conciliation Act, on account of an arbitration clause in the loan agreement. It is also not in dispute that the application remained pending, however, in the meantime the matter was referred to the Arbitrator and an award was passed. Further, it is also not in dispute that even the petitioner has made an unsuccessful attempt to stall the arbitration proceedings by filing miscellaneous application before the Permanent Lok Adalat concerned the said application also met the same fate and was dismissed.

4. Finally, the impugned order was passed by the Permanent Lok Adalat concerned, giving liberty to the petitioner to challenge the arbitration award in case he has any grievance.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that there is no illegality or perversity in the impugned order passed by the Permanent Lok Adalat concerned, while acting on the arbitration clause, that carries in the loan agreement and the arbitration proceedings have been initiated and the same have been culminated on dated 25.10.2019, therefore, the petitioner cannot in that eventuality maintain his complaint before the Permanent Lok Adalat concerned.

6. In view of the above discussion, the impugned order does not require any interference.

7. At this stage, the learned counsel for the petitioner submits that he had never participated in the arbitration process and he wants to file objection and he would become remediless in case the impugned order is ordered to be sustained.

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8. This Court finds no merit in the above submissions made by the learned counsel for the petitioner as the petitioner still has remedy by filing objection before the apt Court under the apt provisions of the Arbitration and Conciliation Act against the arbitration award (supra). Therefore, the petitioner is granted liberty to file objection in case he has any grievance against the award passed by the Arbitration Authority concerned. In case such an objection has been filed alongwith an application for condonation of delay, the Court concerned shall consider all the mitigating circumstances especially to the effect that the petitioner has taken the path of an incorrect legal process for redressal of his grievance.

9. **Disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No

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