



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.101

TA-991-2019

Date of Decision: 03.02.2025

SHIV KUMAR

....Applicant

Versus

PARMANAND GOYAL CHARITABLE TRUST AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ram Kumar Saini, Advocate
for the applicant.

Mr. Yashdev Kaushik, Advocate
for the respondents.

ARCHANA PURI, J. (Oral)

The present application has been filed by the applicant, for seeking transfer of the application under Section 34 of the Arbitration and Conciliation Act, 1996 i.e. ARB/2/29.03.2016, titled '*Parmanand Goyal Charitable Trust and another Vs. Shiv Kumar and another*', which is pending in the Courts at Bhiwani and he seeks transfer of the same to the Courts at Hisar.

In pursuance of the notice issued, respondent made appearance through counsel.

Learned counsel for the parties heard.

It is submitted by the counsel for the applicant that in pursuance of the dispute having arisen between the parties, on the basis of an agreement dated 21.09.2011, an Arbitrator was appointed by this Court and thereupon, the arbitration proceedings were conducted and the Award dated



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29.02.2016 was passed by the Arbitrator. The proceedings were conducted at Hisar. However, the application under Section 34 of the Arbitration and Conciliation Act, 1996, was filed to assail the Award dated 29.02.2016, in the Courts at Bhiwani.

Now, it is submitted by the counsel for the applicant that the Courts at Bhiwani, has no jurisdiction. On query by the Court, it is submitted by the counsel for the applicant that the applicant had made appearance before the Courts at Bhiwani. However, it is submitted that till date, no objection has been filed with regard to the jurisdiction. In the given circumstances, it shall be appropriate for the applicant to raise issue with regard to the jurisdiction of the Courts at Bhiwani, before the appropriate Court, by way of filing objection/pleading, to this effect.

In view of the aforesaid fact situation, the application is hereby dismissed, with liberty to the applicant to approach the concerned Court and raise the issue of jurisdiction. The Court concerned, on filing of such objection, shall adjudicate on the question of jurisdiction, at first instance, while giving due opportunity to the parties concerned.

03.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No