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

ARB-462-2025

Date of decision: 23.01.2026

PRITPAL SINGH ALIAS PRITPAL SINGH DHALIWAL

...Applicant(s)

VERSUS

**WORLDWIDE IMMIGRATION CONSULTANCY SERVICES LTD. AND
ANOTHER**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Dheeraj Mahajan, Advocate
for the applicant.

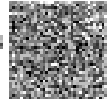
JASGURPREET SINGH PURI, J. (Oral)

1. The present application has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. The respondents were proceeded against *ex parte* on 08.12.2025 and the matter was fixed for arguments. Even today, none has appeared on behalf of the respondents.

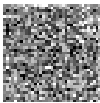
3. Learned counsel for the applicant has advanced his submissions before this Court today.

4. Learned counsel for the applicant submitted that there was an agreement in the nature of a contract of engagement between the parties vide Annexure P-1 dated 30.01.2013, which contains an arbitration clause i.e. Clause



20. He submitted that in the year 2018, instead of invoking the aforesaid arbitration clause, the applicant filed a civil suit for recovery against the respondents and in the aforesaid civil suit, the respondents filed an application under Section 8 of the Act seeking rejection of the plaint on the ground of existence of an arbitration clause. The said application under Section 8 of the Act was allowed by the learned Civil Judge (Junior Division), Gurdaspur on 20.12.2021 vide Annexure P-3. He further submitted that thereafter, the applicant issued a legal notice dated 07.06.2022 (Annexure P-4) to the respondents invoking the arbitration clause and the said notice was sent through registered post, regarding which the postal receipts are also attached along with the aforesaid legal notice. However, no response was received from the respondents in this regard.

5. Learned counsel for the applicant submitted that thereafter, on being wrongly advised by the counsel, the applicant filed an application before the learned Civil Judge (Junior Division), Gurdaspur on 28.03.2023 in the aforesaid civil suit, which was dismissed because of the existence of an arbitration clause and the application which was filed by the applicant on the aforesaid date i.e. 28.03.2023 was for restoration of the aforesaid suit for recovery as the respondents had not responded to the aforesaid legal notice, by which the applicant had invoked the arbitration clause. The said application for restoration filed by the applicant before the learned Civil Judge (Junior Division), Gurdaspur was dismissed vide order dated 09.10.2024 (Annexure P-5) on the ground that no case for restoration was made out as it has been concluded that the dispute between the parties is covered by the arbitration



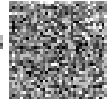
agreement and it was further observed by the learned Civil Judge (Junior Division), Gurdaspur that the remedy with the applicant is to approach the High Court for appointment of an Arbitrator under Section 11 of the Act.

6. Mr. Mahajan further submitted that although it is a settled law that the period of limitation for filing the arbitration case under Section 11 of the Act is three years from the date of issuance of notice invoking arbitration under Section 21 of the Act and in the present case, notice was issued on 07.06.2022 vide Annexure P-4, whereas the present arbitration case has been filed on 05.08.2025, which was beyond the period of three years but still the present arbitration case is maintainable and is not hit by limitation in view of the fact that the time spent by the applicant in *bona fide* prosecution of the application for restoration of the civil suit from 28.03.2023 to 09.10.2024 is liable to excluded from the total period of limitation under the provisions of Section 14 of the Limitation Act since Section 14 of the Limitation Act is undoubtedly applicable to the arbitration proceedings and in this way, the present arbitration case is within the period of limitation of three years.

7. I have heard the learned counsel for the applicant.

8. Some of the relevant dates, as so stated by the learned counsel for the applicant, are undisputed and are tabulated below:-

1.	Date of agreement	30.01.2013
2.	Civil suit filed by the applicant	2018
3.	Civil suit dismissed in view of Section 8 of the Act	20.12.2021
4.	Legal notice invoking the arbitration clause issued by the applicant	07.06.2022
5.	Expiry of three-year period	06.06.2025



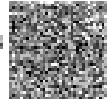
9. Prior to the expiry of three-year period, the applicant filed an application for restoration of the civil suit on 28.03.2023, which was dismissed on 09.10.2024.

10. The applicant herein seeks exclusion of the aforesaid period i.e. from 28.03.2023 to 09.10.2024. First of all, there is no application moved by the applicant in the present case under Section 14 of the Limitation Act, 1963 but it is only at the stage of arguments today that he has raised the aforesaid argument of seeking benefit of Section 14 of the Limitation Act without filing any application under the said provision.

11. Even otherwise also, the question would be as to whether the aforesaid period from 28.03.2023 to 09.10.2024 could be excluded from the total period of limitation under Section 14 or not. Section 14 of the Limitation Act, 1963, is reproduced as under:-

“14. Exclusion of time of proceeding bona fide in court without jurisdiction.—(1) In computing the period of limitation for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the defendant shall be excluded, where the proceeding relates to the same matter in issue and is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded,



where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

(3) Notwithstanding anything contained in rule 2 of Order XXIII of the Code of Civil Procedure, 1908 (5 of 1908), the provisions of sub-section (1) shall apply in relation to a fresh suit instituted on permission granted by the court under rule 1 of that Order, where such permission is granted on the ground that the first suit must fail by reason of a defect in the jurisdiction of the court or other cause of a like nature.

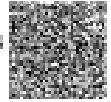
Explanation.—For the purposes of this section,—

(a) in excluding the time during which a former civil proceeding was pending, the day on which that proceeding was instituted and the day on which it ended shall both be counted;

(b) a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding;

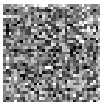
(c) misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.”

12. There is no doubt that Section 14 of the Limitation Act can otherwise be made applicable but in the facts and circumstances of the present case, this Court is of the considered view that Section 14 of the Limitation Act will not apply. The provisions of Section 14 of the Limitation Act would be applicable only in a case where the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or of appeal or revision, against the same party for the same relief and the said period



shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it. However, in the facts and circumstances of the present case, the aforesaid period of which the applicant seeks exclusion relates to the prosecution of an application for restoration of the civil suit and does not pertain to seeking any prayer or relief for appointment of an Arbitrator. Had it been a case that the applicant filed an application/petition in some other Court seeking the same relief, which the other Court could not have entertained for defect of jurisdiction and the applicant was prosecuting it in a *bona fide* manner, then the provisions of Section 14 of the Limitation Act would have been made applicable but in the present case, the applicant is seeking exclusion of the total period of limitation for an application filed for restoration of the civil suit, which otherwise also was not maintainable and the time period spent in prosecuting the application for restoration of the civil suit for recovery cannot be excluded from the total period of limitation. Therefore, it is clear that the provisions of Section 14 of the Limitation Act would not apply in the facts and circumstances of the present case, particularly when no such application has been filed by the applicant in this regard.

13. In the present case, the notice sent by registered post is dated 07.06.2022 and the present arbitration was case filed on 05.08.2025, which is beyond the period of three years. Hon'ble Supreme Court in **SBI General Insurance Co. Ltd. versus Krish Spinning, 2024 SCC OnLine SC 1754** has settled the law that an application/petition under Section 11 of the Act has to be filed within a period of three years when the right to apply accrues in favour of



the applicant and the limitation period for filing an application/petition under Section 11(6) of the Act can only commence once a valid notice invoking the arbitration clause has been sent by the applicant to the other party.

14. It is clear that the present arbitration case is filed beyond the period of three years and therefore, the same is hereby dismissed on the ground of limitation.

23.01.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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