

(1980) 10 P&H CK 0003

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Miscellaneous No. 3317 CII of 1980 in COCP. 57 of 1978

The Pb. State Small Indust.
Corporation Ltd.

APPELLANT

Vs

Sh. K. Nagina

RESPONDENT

Date of Decision: Oct. 7, 1980

Citation: (1981) 3 ILR (P&H) 49

Hon'ble Judges: Rajendra Nath Mittal, J

Bench: Single Bench

Advocate: K.L. Kapur, for the Appellant; D.V. Sehgal and P.S. Rana, for the Respondent

Judgement

Rajendra Nath Mittal, J.

This application has been filed praying that the award be returned to the Arbitrator with a direction that it should be filed in the Court at Amritsar. It is stated in the application that Mr. Justice B.R. Tuli, a retired Judge of this Court, was appointed as an Arbitrator by this Court to decide a dispute. He gave an award in favour of the Petitioner on July 14, 1979. He was directed to file award in the Court on December 12, 1979. The other party raised an objection that this Court had no jurisdiction to make the award a Rule of the Court. This Court vide order dated August 7, 1980 accepted the objection and held that this Court had no jurisdiction to make it a Rule of the Court. In the aforesaid circumstances the above prayer has been made by the Petitioner.

2. A notice of the application was given to Mr. D.V. Sehgal, counsel for the Petitioner. He has raised an objection that the Court can order the award to be returned to the Arbitrator but it cannot direct him to present the same in the Court at Amritsar.

3. The only objection of the learned Counsel for the Petitioner on the application is that this Court cannot direct the Arbitrate to file the award in the Court at Amritsar. Mr. Kapur, learned Counsel for the Applicant, in view of the objection, has stated that he gives up the said prayer. Consequently, I accept the application in part and

direct that the award and the file containing arbitration proceedings may be returned to the Arbitrator. No costs.