
(1968) 10 RAJ CK 0003
In the Rajasthan High Court
Case No : Civil Revision No. 573 of 1966

Chhogalal

APPELLANT

Vs

Dhanraj and Another

RESPONDENT

Date of Decision : 12-10-1968

Acts Referred:

Arbitration Act, 1940 — Section 14, 20, 33, 44

Citation : (1968) WLN 94

Hon'ble Judges : Jagat Narayan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jagat Narain, J.—This is a revision application by Chhoga Lal against an order of the Senior Civil Judge, Sirohi, directing him to pay Rs. 250/- as court fee.

2. There was a dispute between Chhogalal and Ganeshtnal which was refer red to the arbitration of Dhanraj. Dhanraj filed an award in the court of the learned Senior Civil Judge on 24-5-66. On this notices Were issued to the parties u/s 14(2) of the Arbitration Act. Ganeshmal accepted the award. But Chhogalal filed objections against it. These objections are u/s 14(2) of the Act. He did not file an application u/s 33 of the Act for setting aside the award. The following two provisions appear in the Rajasthan Court-fees and Suits Valuation Act under Schedule II Article 11:

Proper fee (1) Application to set aside an award under the Arbitration Act, 1940 (Central Act 10 of 1940)- (1)if the value of the subject matter of the Twenty-five rupees award does not exceed Rs. 5,000 (2)if such value exceeds Rs. 5,000 but does not One hundred rupees exceed Rs. 10,000/- (3)if such value exceeds Rs. 10,000/- Two hundred and fifty rupees (n) Application u/s 14 & Section 20 of the Arbitration Act, 1940 (Central Act 10 of 1940) for a direction for filing an award or for an order for filing an agreement and application for enforcing foreign award (1)if the value of the subject matter of the Fifteen rupees award

does not exceed Rs. 5,000/- (2)if such value exceeds Rs. 5,000/- but does One hundred rupees not exceed Rs. 10,000/- (3)if such value exceeds Rs. 10,000/- Two hundred and fifty rupees

Clause (1) applies where a party files an application for setting aside an award u/s 33 of the Arbitration Act and clause (m) applies when a party to the dispute files an application u/s 14(2) for a direction for filing an award. (Neither of these provisions is applicable to the present case. The award was filed by the arbitrator himself and Chhoga Lal did not file an application u/s 44(2) of the Arbitration Act. Chhoga Lal is not liable to pay any court-fee on his objection.

3. I accordingly allow the revision application and set aside the order of the learned Senior Civil Judge dated 5-11-66. In the circumstances of the case, I direct that parties shall bear their own costs of this revision application.