
(1999) 03 P&H CK 0073
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2329 of 1989

Municipal Corporation, Amritsar

APPELLANT

Vs

Ajit Singh

RESPONDENT

Date of Decision : 22-03-1999

Acts Referred:

Citation : (1999) 3 CivCC 95 : (1999) 123 PLR 21 : (1999) 3 RCR(Civil) 149

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : Sh. B.R. Mahajan, for the Respondent

Judgement

T.H.B. Chalapathi, J.—This revision is filed against the order of the learned Additional District Judge, Amritsar, dated 7-4-1989.

2. The respondents were awarded the contract of widening outer circular road by the Municipal Corporation, Amritsar, who is the petitioner herein. In the course of execution of the work, some disputes have arisen between the parties which were referred to the Arbitrator in view of the arbitration clause in the contract. The Arbitrator passed as award on 19-7-1985. The respondents made an application in the Court of Sub-Judge First Class, Amritsar, to make the award a rule of Court. On notice, the Arbitrator filed his award in Court. The Municipal Corporation filed its objections to the award. On a consideration of the material on record, the trial court set aside the award by its order dated 3-10-1987. On appeal by the respondents, the learned Additional District Judge, Amritsar, made the award a rule of Court by the impugned order. Hence, this revision.

3. In spite of the two adjournments, learned Counsel for the petitioner was not present. Ultimately, it was listed for today and a note was appended to the cause list that the revision petition will be decided on merits even in the absence of the counsel. Learned Counsel for the respondents is present. But none is present for the petitioner. I have, therefore, perused the record and heard the arguments of the learned Counsel for the respondents.

4. One of the objections raised by the petitioner is that the Arbitrator has not given sufficient opportunity to the petitioner to lead its evidence but the record shows that requests were made on behalf of the petitioner before the Arbitrator for adjourning the case from time to time and at the instance of the petitioner, the case was adjourned by the Arbitrator several times. The record also further shows that the evidence was recorded in the presence of both the parties. Therefore, this objection that no opportunity was given to the petitioner and that the Arbitrator misconducted himself, is without any substance. The learned Additional District Judge, therefore, rightly overruled this objection. The further objection of the petitioner is that the award was made beyond the stipulated time, therefore, it is liable to set aside. This arguments is also without any force. Even after the expiry of the time, both the parties took part and participated in the arbitration proceedings. The record shows that the parties agreed before the Arbitrator on 26-3-1985 that the award could be passed on or before 26-7-1985 and the award was passed before that date. Therefore, there is an express consent by the parties for extension of time. Even otherwise, the petitioner had participated in the arbitration proceedings. The learned District Judge has specifically recorded the finding that the time was extended by the consent of the parties and the learned District Judge further relied upon the decision of the Apex Court in Hari Krishna Wattal Vs. Vaikunth Nath Pandya (Dead) by Lrs. and Another, . Thus, both the objections raised by the petitioner cannot be sustained. I do not, therefore, find any merit in this revision petition.

5. This revision petition is, therefore, dismissed. However, there will be no order as to costs.

6. Petition dismissed.