
(2010) 12 P&H CK 0189
In the Punjab And Haryana At Chandigarh
Case No : CR No. 2653 of 2010 (O and M)

MVL Ltd.

APPELLANT

Vs

Grover Art Studio etc.

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 8

Citation : (2010) 12 P&H CK 0189

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Alok Singh, J.—Defendant--Petitioner has invoked supervisory jurisdiction of this Court under Article 227 of the Constitution of India, assailing the order dated 10.3.2010 passed by the Civil Judge, Senior Division, Jagadhari, whereby application moved by the Defendant--Petitioner u/s 8 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act), was rejected.

2. Brief facts of the case are that Plaintiff--Respondent has filed CR No. 2653 of 2010 2 suit for recovery. In the suit for recovery, Defendant had appeared and sought so many adjournments and one fine morning, he moved an application u/s 8 of the Act, requesting the Court to refer the matter for arbitration as per the terms and conditions mentioned in the invoice order.

3. The trial Court has rejected the application having observed that the Defendant has failed to place on record original agreement containing arbitration clause; alleged invoice filed by the Defendant--Petitioner does not contain signatures of either of the parties.

4. In the opinion of this Court, if alleged agreement containing the arbitration clause is not signed by the Plaintiff, then it cannot be said that the Plaintiff is bound to refer the dispute for arbitration.

No interference is called for.

Dismissed.