

CIS NO.EXE/84/2016.

The PADB Vs. Inderjit Singh.

Present: Sh.R.K.Monga, Advocate counsel for decree holder.
Sh.S.S.Sidhu, Advocate counsel for J.D.

Heard on the objections filed by J.D /Objector Inderjit Singh.

Learned counsel for J.D/ Objector submitted that the present execution application is based upon the award dated 11.11.2013 passed by Shri Surinder Singh, Arbitrator. Learned counsel further submitted that no notice was given to J.D, regarding arbitration proceedings. Learned counsel submitted that award has been passed at the back of J.D. J.D. has already cleared the whole of loan amount before the passing of award and there was no jurisdiction with the bank to refer the matter to Arbitrator. Learned counsel submitted that nothing was due against the J.D. Learned counsel prayed for allowing the objections.

On the other hand, learned counsel for the decree holder submitted that the decree holder is not responsible if the J.D has not appeared before the Arbitrator inspite of proper notice to him. Learned counsel further submitted that the executing court has to proceed further as per the award and in case the J.D. has any objections, he can challenge the award before the court of having jurisdiction. Learned counsel further prayed for dismissal of the objections.

I have heard the learned counsel for the parties and have carefully perused the case file.

Perusal of case file reveals that the present execution application has been filed by decree holder for execution of award dated 11.11.2013 passed by Shri Surinder Kumar, Arbitrator, The Co-operative Societies, Mothan Wala. As per said award, the J.D. was directed to deposit the principal amount of Rs.68,000/- alongwith interest for a sum of Rs.45,200/- upto 31.12.2013 alongwith future interest. Now, the present objections have been filed by J.D /objector, on the ground that he has not received any notice regarding arbitration proceedings and he has already paid the entire amount to the decree holder bank. But the J.D/ objector has failed to prove that he has not received any notice before passing the award in question by the Arbitrator. Moreover, the J.D/ objector also failed to prove on record any document to show that he has paid the entire loan amount to the decree holder bank. Furthermore, the J.D/objector has a liberty to challenge the award before the court having jurisdiction. Thus, it is clear that the J.D /objector has filed the objections to delay the proceedings in present execution application. In view of these facts and circumstances, present objections are hereby dismissed and stands disposed off.

Sd/-

Dated:- 28.02.2018.
“BKS”

(Gurpeet Kaur), PCS
Addl. Civil Judge (Sr. Division)
Guruhar Sahai.

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Heard. Vide my separate detailed order of even date, objections filed by J.D stands dismissed. Let warrants of attachment of the property of J.D be issued for 27.03.2018 on filing of list of property and warrants fee.

Dated:-28.02.2018.

“BKS”

Next Date: 27.03.2018.

Purpose:

Gurpreet Kaur
ACJ(SD)/GHS