

112 In the High Court of Punjab and Haryana at Chandigarh

CR-2225-2015 (O&M)

Date of Decision: 07.04.2015

Sita Ram Rana

.....Petitioner

Versus

M/s Ganda Mal Babu Mal Company and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Parveen Kumar, Advocate
for the petitioner

...

SABINA, J.

Petitioner has filed this petition challenging the order dated 03.09.2013 whereby the application moved by the petitioner for examining the arbitrator Shanti Swaroop (respondent No.2) as the court witness, was dismissed.

Learned counsel for the petitioner has submitted that it was very necessary in the interest of justice to examine respondent No.2 as a court witness. In fact, exparte award had been passed by respondent No.2 against the petitioner. Material questions were required to put to respondent No.2 qua the award passed by him.

In the present case, respondent No.2 appeared before the trial Court on 23.11.2012 and tendered the original file of arbitration award dated 31.12.2007. However on the said date, no request was made by the petitioner to cross examine respondent No.2. Thereafter, petitioner moved an application on 01.02.2013 to summon respondent

No.2 for the purpose of cross examination but the said application was got dismissed as withdrawn.

In these circumstances, the learned trial Court has rightly held that the application moved by the petitioner for summoning the arbitrator Shanti Swaroop (respondent No.2) as court witness was liable to be dismissed.

Hence no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

April 07, 2015
anju