

Jawahar Lal Wadhwa and Another

Vs

Haripada Chakraborty

Civil Appeal No. 2678 of 1985

(Sabyasachi Mukharji, S. Ranganathan JJ)

18.11.1987

ORDER

1. We have heard counsel for the parties. This appeal arises out of the judgment and order of the High Court of Delhi setting aside the objections to the award. The learned District Judge confirmed the award and the High Court also confirmed the said order. Being aggrieved by the said orders, the appellants have come up in this appeal. The only question involved in this appeal whether the award is unreasoned award and whether there was proper and adequate notice given to the appellants for proceeding with the arbitration proceedings. The learned counsel for the appellants submitted before us that the award was really ex parte and his client had not been given a reasonable opportunity. In that view of the matter and in the facts and circumstances of the case, we are of the opinion that at this stage it is not necessary for us to enter into the enquiry. The ends of justice would be served in this state of affairs that in order to ensure the fair play in the action if (sic) we set aside the award dated April 23, 1985 and accordingly the judgment and order of the High Court. We do so. We appoint Shri A. C. Gupta, a former Judge of this Court as the arbitrator to adjudicate upon the disputes between the parties. The arbitrator will decide his remuneration as he thinks fit and his remuneration will be paid at the first instance by the appellants. The learned arbitrator will be at liberty to take the secretarial assistance like, stenographers, peons etc. The arbitrator will enter into the reference and will make the award with short reasons within four months upon the receipt of the copy of the order.

2. It is further made clear that in case the arbitrator awards the premises in question to the respondent then the appellants will hand over the premises to the respondent, irrespective of what will happen afterwards; the premises should be handed over within a period of fortnight from the date of the award. The appellants will also pay to the respondent as compensation by way of additional expenses amounting to Rs. 15,000 for additional accommodation which have become necessary for the respondent.

3. The learned counsel for the respondent will withdraw the sum of Rs. 10,000 which has been deposited by him in the trial court by virtue of this order.

4. The appeal is disposed of accordingly and the parties will bear their own costs.

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