

In the High Court of Uttaranchal, at Nainital.

Civil Revision No. 430/2001.
(Old No.1005/1988)

State of U.P. through Deputy Chief
Conservator of Forests, Tehri Garhwal
Circle, U.P., Dehradun .. Revisionist.

Vs.

Laxman Das S/o Satyagri,
R/o village and P.O. Silh,
Tehsil Dehra Goprpur
District Kangra Himanchal Pradesh .. Respondent.

Dated: 31-8-2004.

Hon'ble Rajesh Tandon, J.

Heard Sri Nand Prasad learned Standing Counsel for the revisionist and perused the record.

By the present revision the revisionist has prayed for setting aside the order dated 7-9-1988 by which the application filed under sections 8, 11 and 12 of the Arbitration Act, 1940 has been allowed.

Briefly stated the facts of the case are that an application was filed under sections 8, 11 and 12 of the Arbitration Act, 1940 praying that Sri Jagat Narayan, Chief Conservator of Forest, Garhwal be removed and in his place Sri H.B. Joshi, Additional Conservator of Forest, Garhwal may be appointed as arbitrator. The contract was given in the year 1971-72 regarding coupe No. 22, Muger Santi Yamuna Range Division in respect of Leesa.

A perusal of the record shows that there was an arbitration agreement and in pursuance of the said agreement, there was an arbitration clause. Original suit no. 505/1983 was filed under section 20 of the Arbitration Act which was decreed on 31.1.1985. Parties have agreed that the matter may be referred to the Sri H.B. Joshi, Additional Chief Conservator of Forest, Garhwal for arbitration and as such the learned Civil Judge, Dehradun passed an order, by which Sri H.B. Joshi, Addl. Chief Conservator has been appointed as arbitrator.

I find no illegality in the order so as to interfere under section 115 C.P.C. The dispute is old one of 1971-72. The matter is pending since long. If the Arbitrator has not proceeded as yet, he shall complete the said award within a period of three months.

Subject to the above observation, the revision is dismissed.

(Rajesh Tandon, J.)

ISB