

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

A.A.No.28/2014
CMA No.18/2014

Date of order: 26.09.2014

Union of India and anr. v M/S Ravinder Kapoor.

Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice

Appearing counsel:

For the appellant(s) : Mr. Sachin Gupta, CGSC.
Mr. R.P.Jamwal, CGSC.

For the respondent(s): None.

i/	Whether to be reported in Press/Media	:	Yes/No
ii/	Whether to be reported in Digest/Journal	:	Yes/No

1. This order shall dispose of two* petitions filed under Section 34 of the Jammu and Kashmir Arbitration and Conciliation Act, 1997 challenging different arbitration awards.

2. The issue whether such a petition would be maintainable before the High Court or before the District Judge was referred for authoritative settlement to a Division Bench in **A.A. No. 03/2011 titled Ghulam Mohammad Dar v. State and others**. The Division Bench while delivering the judgment on 10.07.2014 has opined that such a petition would also be competent before the District Judge being a Principal Court of original jurisdiction over such matters as also the High Court because of definition of expression 'Court' given in Section 2(e) of the Jammu and Kashmir Arbitration and

Conciliation Act, 1997. Therefore, the petitioners should first approach District Judge because alternative forum is available. The petitions are, accordingly, disposed of. However, the petitioners shall be at liberty to file similar petition before the District Judge, which shall be decided in accordance with law.

(M. M. Kumar)
Chief Justice

Jammu,
26.09.2014
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S.No.	Case No.	Title
1.	A.A. No.28/2014 & CMA No.18/2014	Union of India & anr. v. M/S Ravinder Kapoor
2.	A.A.No.29/2014 & CMA No.19/2014	Union of India v. M/S Ravinder Kapoor Builder & Engineers

(M. M. Kumar)
Chief Justice

Jammu,
26.09.2014