



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CR-2737-2025

Decided On: 06.05.2025

BALWINDER SINGH AND ANOTHER

....PETITIONER(s)

Versus

CAPITAL SMALL FINANCE BANK LIMITED AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Nakul Sharma, Advocate
for the petitioners.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed for setting aside the order dated, 18.01.2025, passed by the Executing Court/Civil Judge (Senior Division) dismissing the objections filed by the petitioners/judgment debtors against the application for execution of decree/award dated 25.11.2020.

2. Learned counsel contends that the ground of dismissal of the objections is that '*the award has not been challenged so far before any competent Court of law by the petitioners/judgment debtors*'. This is factually incorrect as the petitioners have challenged the arbitral award by filing objection petition under Section 34 of Arbitration and Conciliation Act, 1996, before learned Additional District Judge, Jalandhar, ARB-4173-2022, whereupon notice has been issued on 03.12.2022 and is pending adjudication. He fairly submits that this fact could not be brought to the notice of the Executing Court, nor has it been mentioned anywhere in the objections filed on behalf of the petitioners dated 24.01.2023, Annexure P-5.



3. In view thereof, the petition is disposed of granting liberty to the petitioners to move an appropriate application before the Executing Court after placing the correct facts on record.

06.05.2025

Ad

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No