

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025.PHHC.108682



**RSA-1207-2013 (O&M)
DATE OF DECISION : 19.08.2025**

MUKHTIAR SINGH **... APPELLANT**
V/S
AGRICULTURE CREDIT & SERVICE SOCIETIES AND OTHERS
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Mohd. Yousuf, Advocate for the appellant.

Mr. S.S.Behl, Advocate for respondent No.2.

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PARMOD GOYAL, J. (ORAL)

1. Facts in the present case are not in dispute. Admittedly, appellant Mukhtiar Singh was member of Agricultural Credit and Service Societies i.e. respondent No. 1. Being member he availed certain facilities which were made available by society in the shape of purchase of fertilizers, seeds etc. A dispute arose regarding payment between Society and appellant.

2. It is also not in dispute that an award dated 16.03.1991 - Ex.D1 was passed against present appellant. However, appellant without disclosing factum of award challenged the dues against him as claimed by Society by way of suit for permanent injunction restraining respondent defendant from recovering amount due by completing the records of his khata/account. The suit was dismissed vide impugned judgment and decree dated 20.11.2007 passed by learned Civil Judge (Jr. Division) Ludhiana. Aggrieved by dismissal of his suit, appellant had preferred first appeal which, was also

dismissed by the appellate Court vide judgement and decree dated 27.08.2012 passed by learned District Judge, Ludhiana. Both the Courts by way of concurrent findings have found that suit preferred by the appellant was not maintainable as award by Arbitrator could not have been challenged by way of civil suit. It was held that only remedy available to appellant was under the Arbitration Act and jurisdiction of Civil Court was barred.

3. I do not find any error in the conclusion drawn by learned Courts below.

4. Learned counsel for the appellant has fairly admitted passing of award dated 16.03.1991. He also admits that no appeal or challenge against award dated 16.03.1991 was made. It is also admitted that even in the suit, award dated 16.03.1991 was not challenged.

5. In view of these facts, the Courts below have rightly held that suit of plaintiff-appellant was not maintainable and Civil Courts have no jurisdiction.

6. No ground for interference is made out.

7. Appeal is, accordingly, dismissed.

19.08.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No