

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5115 OF 2007

Rohitash Prasad & Ors.

..... Appellant(s)

Vs.

Saifuddin & Anr.

..... Respondent(s)

O R D E R

The appeal arises out of an application filed by the appellants under section 11(6) of the Arbitration and Conciliation Act, 1996, ('Act' for short). The Additional District Judge No.2, Udaipur, as designate of the Chief Justice of the High Court of Rajasthan, heard the said application and dismissed it on 16.2.2001. The said order was challenged by the appellants in a writ petition (SBCWP No.3959/2001). The said writ petition was dismissed by the High Court of Rajasthan on the ground that the remedy of the appellant was only by way of an appeal under

Article 136 of the Constitution. The said order is challenged in this appeal by special leave.

2. The matter is covered by the decision of this Court in *Punjab Agro Industries Corporation Ltd. vs. Kewal Singh Dhillon* - 2008 AIR SCW 5745. Following the said decision, this appeal is allowed and the order of the High Court is set aside. Consequently, the writ petition (SBCWP No.3959/2001) stands restored on the file of the High Court for disposal in accordance with law. As the matter is old, the High Court is requested to dispose of the writ petition expeditiously.

J
[R. V. Raveendran]

J
[Markandey Katju]

New Delhi;
February 25, 2009.