

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

F.A.O. No.23 of 2015  
M/s Muhammad Ayub & Brothers  
**Versus**  
Federal Employees Cooperative Housing Society Limited through its  
President

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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05.03.2020	Mr. Muhammad Hashim Khan Mandokhail, Advocate for the appellant. Mr. Sajid Mehmood Abbasi, Advocate for the respondent.
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The instant appeal under Section 39 of the Arbitration Act, 1940 (“the 1940 Act”) against the order dated 10.06.2013 passed by the Court of the learned Civil Judge, Islamabad whereby objections to the arbitration award dated 09.07.2010 filed by the appellant were allowed and the matter was remitted to the learned Arbitrator with the direction to hear the parties and provide them an opportunity to lead evidence on the respective issues.

2. Earlier the appellant had preferred an appeal against the said order dated 10.06.2013 before the Court of the learned Additional District Judge, Islamabad. The said appeal was dismissed vide order dated 30.09.2014. The said order dated 30.09.2014 was assailed by the petitioner in civil revision petition No.281/2014 which was disposed of on 29.01.2015 with the observation that the said order dated 30.09.2014 passed by the Court of the learned Additional District Judge, Islamabad was *coram-non-judice* inasmuch as the appeal was beyond the pecuniary appellate jurisdiction of the said Court. It was also held that the petitioner’s appeal would be heard and decided by this Court. Accordingly, the file of the petitioner’s appeal was requisitioned from the

Court of the learned Additional District Judge, Islamabad and numbered as F.A.O. No.23/2015 by this Court.

3. The learned counsel for the appellant submitted that he is under instructions not to seek the setting aside of the impugned order dated 10.06.2013 passed by the learned Civil Court, and for the purposes of expediency, this Court may appoint an Arbitrator and remit the matter to him for a decision in accordance with the directions passed by the learned Civil Court. Learned counsel for the contesting respondent did not have any cavil with the said suggestion made by the learned counsel for the appellant.

4. In view of the above consensus, this appeal is disposed of in the following terms:-

- a) The impugned order dated 10.06.2013 passed by the learned Civil Court is maintained; and
- b) Mr. Ahmad Ijaz Yousaf, Advocate is appointed as the sole Arbitrator who shall enter upon reference and decide the dispute between the contesting parties within the period prescribed in paragraph 3 of the first Schedule to the Arbitration Act, 1940. The learned Arbitrator shall fix his own fees.

5. Disposed of in the above terms.

**(MIANGUL HASSAN AURANGZEB)  
JUDGE**

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