

Harish Chander and ors. Vs. Shri Navneet Kumar Garg

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Court : Delhi

Decided On : Aug-12-1999

Reported in : 81(1999)DLT281

Judge : Manmohan Sarin, J.

Acts : Arbitration and Conciliation Act, 1940 - Sections 9

Appeal No. : OMP No. 284/98

Appellant : Harish Chander and ors.

Respondent : Shri Navneet Kumar Garg

Advocate for Def. : Mr. V.K. Goel, Adv.

Advocate for Pet/Ap. : Ms. Rani Chhabra and; Mr. Harish Chander, In Perso

Judgement :

ORDER

Manmohan Sarin, J.

1.This petition has been preferred under section 9 of the Arbitration and Conciliation Act, 1940 by the petitioner seeking a direction to the respondents for removal of the goods kept in the showrooms belonging to the petitioners. The parties had entered into an Agreement dated 10th February, 1995. The

respondent under the agreement began operating his showroom of Bombay Dyeing in the premises bearing No. 5134/4, Main Bazar, Pahar Ganj, New Delhi. As per the petitioner, the Agreement terms come to an end on 10.2.1998 and the petitioner is entitled to its possession and the respondent is liable to remove the goods. The present grievance of the petitioner was that the respondent was not removing its goods from the premises. The dispute had been referred to the arbitration of Justice Mrs. Santosh Duggal a retired judge of this court pursuant to an order dated 31.3.1998. Counsel for the petitioner states that the learned Judge has terminated the proceedings under section 32 of the Act on the respondent failing to lead evidence to support the claim.

2. Learned counsel for the respondent submits that reply need not be filed to the petition and instead he would make submissions. Counsel for the parties have been heard.

3. With the consent of the parties the following order/directions are given:-

(i) The respondent shall remove all his goods from the premises within two weeks from today and also return the key which is lying with him, to the petitioner.

(ii) The respondent would move the Learned arbitrator with a request to revive/resume the proceedings that have been terminated by her, to enable the respondent to prove his case in respect of the claims being adjudicated by her.

Learned counsel for the petitioners states that in the event of such an application being made before the learned arbitrator the petitioner would not oppose the same. The learned counsel for the respondent submits that he has instructions from respondent to accept the above terms. The parties shall be bound by the above terms. The petition stands disposed in the above terms.