

IN THE HIGH COURT OF DELHI AT NEW DELHI

C.S. (OS) No.2366/2009

MAX HEALTHCARE INSTITUTE LTD.

..... Plaintiff

Through: Mr. Neeraj Kishan Kaul, Senior Advocate with
Mr. N. Ganpathy, Advocate.

versus

VIKRANT CHILDREN FOUNDATION AND RESEARCH

CENTRE & OTHERS

..... Defendants

CORAM:**JUSTICE SHIV NARAYAN DHINGRA****ORDER****17.12.2009**

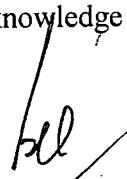
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The plaintiff seeks to withdraw this suit filed against the defendants on the ground of existence of an arbitration clause.

There is another suit pending between the defendants and DDA being C.S. (OS) No.1323 of 2005. I consider that the agreement entered into between the plaintiff and the defendants will have material bearing on the suit filed by the defendants against DDA. A bare perusal of the record of the other suit shows that these facts are not on the record of the suit filed by the defendants.

This suit filed by the plaintiff is hereby dismissed as withdrawn. The plaintiff will have liberty to pursue the remedy available to him.

However, since this suit contains a copy of the agreement entered into between the plaintiff and the defendants in respect of proposed hospital and the agreement showing that the defendants have received a sum of Rs.5,11,00,000/- from the plaintiff in respect of the land allotted to the defendants for charitable purpose and to run a hospital on no profit and no loss, the record of this suit be placed with the record of the other suit so that the court dealing with the other suit, which is coming up for hearing tomorrow, has knowledge of the facts of this case.


SHIV NARAYAN DHINGRA, J.**DECEMBER 17, 2009****'AA'**

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.