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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ ARB.P. 285/2011

ADITI MEHRA & ANR

..... Petitioner

Through: Mr.Deo Prakash Sharma, Mr.Kamesh
Gupta and Mr.Manoj Yadav, Advocates

versus

LAKSHMI RAO

..... Respondent

Through: Mr.Anil Sharma and Mr.Tanmay Nagar,
Advocates



+ **CS(OS) 2431/2011**

SMT. M. KUSUM LATA RAO & ANR.

..... Plaintiff

Through: Mr.Anil Sharma and Mr.Tanmay Nagar,
Advocates

versus

MS ALISHA MEHRA & ANR.

..... Defendant

Through: Mr.Deo Prakash Sharma, Mr.Kamesh
Gupta and Mr.Manoj Yadav, Advocates

+ **O.M.P. 388/2011**

ADITI MEHRA AND ANOTHER

..... Petitioner

Through: Mr.Deo Prakash Sharma, Mr.Kamesh
Gupta and Mr.Manoj Yadav, Advocates

versus

LAKSHMI RAO

..... Respondent

Through: Mr.Anil Sharma and Mr.Tanmay Nagar,
Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

01.11.2011

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At request of counsel for the parties all three matters are being

disposed of by a common order. It is agreed by counsel for the parties that

Signature Not Verified
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By:AMULYA

all disputes and differences, claims and counter claims arising between the parties be resolved through arbitration. It is agreed that a former Judge of this Court may be appointed as the sole arbitrator.

OMP.No.388/2011 has been filed by Ms.Aditi Mehra and Ms.Alisha Mehra under Section 9 of the Arbitration & Conciliation Act. It is agreed that the interim order dated 25.05.2011 be confirmed till the disposal of the arbitration proceedings, subject to variation by the learned arbitrator at the instance of either of the parties.

Arbitration Application No.285/2011 has also been filed by Ms.Aditi Mehra and Ms.Alisha Mehra under Section 11 of the Arbitration & Conciliation Act, for appointment of an arbitrator.

Smt.M.Kusum Lata Rao and Ms.Lakshmi Rao have filed a suit [CS(OS) 2431/2011] for declaration and permanent injunction against Ms.Aditi Mehra and Ms.Alisha Mehra with respect to the same property, subject matter of OMP No.388/2011. It is pointed out that by an order dated 03.10.2011 this court had directed the parties to maintain status quo with respect to title and possession of the suit property. It is agreed that the order passed in the OMP No.388/2011 would cover the suit property as well and thus no further orders are required to be passed in the stay application (I.A. No. 15720/2011). Accordingly the stay application (I.A. No.15720/2011) is disposed of. The defendants in the above suit had filed an application (IA.No.16681/2011) under Section 8 of the Arbitration & Conciliation Act. As all the parties have agreed for resolution of the dispute through arbitration, the said application (IA.No.16681/2011) is allowed.

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Accordingly, Justice C. M. Nayar, former Judge of this Court, (Cell No.9811200328 Res.24338055) is appointed as Sole Arbitrator to adjudicate upon all disputes and differences including claims and counter claims arising between the parties. It is agreed between the parties that fee of the Arbitrator shall be borne by the parties equally as per the schedule maintained by Delhi High Court Arbitration Centre. The Arbitrator shall give prior notice to the parties before commencing the proceedings.

In view of above all the three petitions i.e. Arbitration Petition No.285/2011, CS(OS)No.2431/2011 and O.M.P. No.No.388/2011 are disposed of.

As the matter is being resolved through arbitration, plaintiff will be entitled to the benefit of Section 16 of the Court Fees Act. Accordingly the court fee be refunded to the plaintiff.

Let a copy of this order be sent directly to learned Arbitrator.


G.S.SISTANI, J.

NOVEMBER 01, 2011

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ARB.P. 285/2011, CS(OS) 2431/2011 & O.M.P. 388/2011