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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB.P. 345/2010

SURESH KUMAR SAINI

..... Petitioner

Through Mr. Amit Sherawat with Mr. Udaman
Jain, Advocates

versus

BABU LAL

..... Respondent

Through Mr. Piyush Aggarwal and Mr. Gunjan
Kumar, Advocates

CORAM: JUSTICE S.MURALIDHAR

ORDER

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24.10.2011

1. The subsequent development as far as the suit property is concerned, is that the suit filed by the Respondent in the Civil Court, i.e., Civil Suit No. 1348 of 2009, was permitted to be amended by an order dated 10th January 2011 by the Civil Court, as a result of which the property forms part of the collaboration agreement has also been made a subject matter of the suit. Aggrieved by the said order, the Petitioner filed CM (Main) in this Court. The said CM (Main) is stated to have been dismissed.

2. In view of the fact that the suit now concerns the property which forms

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the subject matter of the collaboration agreement, which contains the arbitration clause, it is obvious that there cannot be two parallel proceedings concerning the same subject matter. Notwithstanding the fact that the Petitioner may have approached this Court earlier, with the amendment of the plaint being permitted by the Civil Court and that order having been affirmed by this Court by the dismissal of the CM (Main), it is plain that the prayers sought by the Petitioner in the present petition cannot be granted.

3. In view of the subsequent developments, this Court is not inclined to entertain this petition and it is dismissed as such. It will be open to the Petitioner to seek directions in the proceedings pending in the Civil Court.

4. The original collaboration agreement and other documents may be returned by the Registry to the learned counsel for the Petitioner subject to their being replaced by copies certified by the learned counsel for the Petitioner to be true.


S. MURALIDHAR, J

OCTOBER 24, 2011
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