

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

FAO(OS) No.18 of 2026

Decided on: 11th September, 2026

Daskalos Technologies Pvt. Ltd.

...Appellant/Defendant No.5

Versus

Atul Khosla and others

...Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the appellant : Mr. Anand Chibber and Mr. Neeraj Gupta, Senior Advocates with Ms. Shradha Karol, Mr. Aayush Mitruka, Ms. Bhavya Shukla and Mrs. Suchita Kaintura, Advocates.

For the respondents : Mr. R.L. Sood and Mr. Vivek Kohli, Senior Advocates with Mr. Arjun Lal, Ms. Sanjivani Sood, Mr. Vidur Kapur, Ms. Tamanna Bisoli, Advocates, for respondent No.1.

None for respondent No.2

Mr. Abhinandan Thakur, Advocate, for respondent No.3.

Mr. Nitin Thakur and Mr. Ashish, Advocates, for respondent No.4.

None for respondent No.5.

G.S. Sandhawalia, Chief Justice (Oral)

Learned counsel for the appellant/defendant No.5 is primarily aggrieved by the order of the learned Single Judge dated 18.08.2026, passed in Civil Suit No.50 of 2026, titled, ***Atul Khosla vs. Aastha Arora and others***, wherein, while observing that the

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

application under Section 8 of the Arbitration and Conciliation Act, 1996 (in short “the Act”) is to be decided first, which had already been filed bearing OMP No.871 of 2026, before passing any order in the application (OMP No.788 of 2026) under Order 39, Rules 1 and 2, read with Section 151 of the CPC.

2. Counsel for the appellant has thus submitted that though the said observations had been made, but the substantive relief claimed in the said application under Order 39, Rules 1 and 2, had been granted by directing that the proceedings before the third party expert be deferred and the third party expert be requested not to take up the matter on 22.08.2026 or any other further date till further orders.

3. It is submitted that, in the sum and substance, while agreeing with the argument, which has been put forth by the appellant, the learned Single Judge has still granted the relief which was prayed for in OMP No.788 of 2026 and thus, there is a contradiction as such. It is, however, very fairly pointed out that since the proceedings have now been listed already for 15.09.2026, the appeal may be dismissed as withdrawn, with liberty to press the application, which has been filed under Section 8 of the Act before the learned Single Judge.

4. Learned counsel for the appellant has requested that the respondent No.1/plaintiff should file the reply before the next

date with an advance copy thereof.

5. Mr. R.L. Sood, learned senior counsel appearing for respondent No.1/plaintiff very fairly concedes that the needful would be done before the next date with an advance copy to the appellant/defendant No.5, who had filed the application. He also submits that the appeal is not maintainable since the ingredients of Order 39, Rules 1 and 2, have not even been referred to in the order under challenge.

6. In such circumstances, we are of the considered opinion that the learned Single Judge can therefore take a call on whether the civil suit is to be proceeded with or not in view of the objections, which have been raised in the application filed under Section 8 of the 1996 Act and that would resolve the matter.

7. In such circumstances, we are of the considered opinion that the learned Single Judge would ensure the disposal of the application at the earliest.

8. Keeping in view the gracious stand taken by counsels on all sides, we are of the considered opinion that the learned Single Judge would accede to our request and will dispose of the application filed under Section 8 of the Act, expeditiously, preferably within a period of three weeks. Needless to say that in case the said application is dismissed, it would not foreclose the right of the present appellant to challenge the present order dated 18.08.2026.

Respondent No1/plaintiff will also be entitled to raise all objections.

9. The present appeal is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

11th September, 2026

(ankit)

(Jiya Lal Bhardwaj)
Judge