

\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 168/2014 & C.M.No.5874/2014**

INDER TRAVELS PVT LTD.

..... Appellant

Through: Mr.R.P.Luthra, Mr.Vinay Gupta and
Mr.R.Ravi, Advocates

versus

INTERNATIONAL AIR TRANSPORT ASSOCIATION (IATA)

..... Respondent

Through: Mr.U.A.Rana and Mr.Himanshu
Mehta, Advocates

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

%

16.07.2015

After some hearing, Mr.Luthra, learned counsel for the appellant has sought liberty to withdraw the appeal. However, it is requested that observation in paras 9 and 12 that the appellant did not make out a prima facie case should not be considered as deciding the matter on merits. He has also submitted that the appellant may be granted liberty to move the court for a reference of the disputes to arbitration under Section 11 (6) of the Arbitration and Conciliation Act, 1996.

The observations in paras 9 and 12, however, were made only for the purpose of determining whether the appellant had established a case for temporary injunction; they obviously, do not mean that the Court considered the merits of the case in its entirety. It is also open to the appellant to approach the concerned Court under Section 11 (6)

of the Arbitration and Conciliation Act, 1996 in accordance with law.

The appeal and the pending application are accordingly dismissed as withdrawn in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JULY 16, 2015

rb