

29.

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

+ **CS(OS) 1778/2010 & IAs No. 668/2011 and 11626/2010**

Decided on 07.05.2015

IN THE MATTER OF:

SUVIDHA ADLAKHA

..... Plaintiff

Through : Mr. Vikas Mahajan, Advocate with
the plaintiff in person.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS

..... Defendants

Through : Mr. J.R. Sharma, Advocate
for D-2 & 3 with D-2 & 3 in person.

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (Oral)

1. The plaintiff has instituted the present suit praying *inter alia* for a decree of permanent injunction against the defendant No.1/NDMC restraining the Department from converting Shop No.102, situated at Sarojini Nagar Market, New Delhi from leasehold to freehold, till the dispute between the parties in respect of the said shop is pending before the learned Arbitrator or in any court. Apart from the said relief, the plaintiff has also sought decrees of permanent injunction in respect of the said shop, as prayed for in prayers (b) to (g).

2. It is stated by the counsel for the plaintiff that the defendants

No.2 to 4 are the brothers of the plaintiff and the defendants No.5 & 6 are the persons to whom the defendants No.2 & 3 have sold their shares in the shop in question, as derived under the Deed of Family Settlement dated 15.3.2005.

3. Counsel for the plaintiff submits that his client had filed an application under Section 8 of the Arbitration & Conciliation Act, 1996 invoking an arbitration clause governing the parties and vide order dated 29.07.2010 passed in OMP 527/2009, Mr. Dinesh Dayal (Retd. ADJ) was appointed as a sole Arbitrator to adjudicate the disputes between the parties. Pursuant thereto, an Award dated 16.9.2013 has been pronounced by the learned Arbitrator, who has returned a finding in respect of a number of issues as framed on 25.2.2011 and on 25.5.2011. A copy of the award handed over by the learned counsel for the plaintiff is taken on record. Learned counsel states that the defendants No.2 & 3 be called upon to clarify as to whether they have accepted the said award and if not, whether they have resorted to any legal proceedings to challenge the said award.

4. Counsel for the defendants No.2 & 3 states, on instructions from his clients, that they have not taken any steps to challenge the award in question.

5. Counsel for the plaintiff states that in view of the submission

made by the counsel for the defendants No.2 & 3, he may be permitted to withdraw the present suit, while reserving the right of his client to seek execution of the award before the competent court, in accordance with law.

6. Leave, as prayed for, is granted. The suit is disposed of , along with the pending applications. No orders as to costs.

MAY 07, 2015
sk/rkb

(HIMA KOHLI)
JUDGE