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

+ **FAO(OS) 218/2015 & CM 7479/2015**

OM PRAKASH BANSAL Appellant

Through : Petitioner-in-person

versus

SANJAY JAIN & ORS Respondent

Through : Mr Sandeep Jain for R-1.
Mr Gaurav Garg for R-2.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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30.10.2015

This appeal is against the order dated 12.01.2015 passed by a learned Single Judge of this Court in OMP 342/2014 which was a petition under Section 9 of the Arbitration and Conciliation Act, 1996. Under the impugned order, it has been recorded that the appellant, who was respondent No. 4 before the learned Single Judge, had assured the Court that he would not sell, transfer, alienate or create any third party interest in respect of 1433/3 Wazir Nagar, Kotla Mubarakpur, New Delhi. And, in view of this statement, the said appellant/respondent No. 4 was directed to maintain *status quo* with regard to the title and possession of the said property till such time the learned Arbitrator disposed of an application, if any, filed by either of the parties under Section 17 of the said Act.

The appellant, who is present in person, states that he is not a party to the agreement between the respondent No. 1 and the respondent No. 2. This fact is also admitted by the learned counsel for the respondent Nos. 1 and 2. As such, there is no privity of contract between the appellant and the said respondents. This obviously means that there is no

arbitration agreement between the appellant on the one hand and the said respondents on the other. Therefore, the appellant cannot be dragged into the dispute which is pending before the learned Arbitrator.

Consequently, there cannot be any restraint order against the appellant in the proceedings which emanate from the arbitration clause contained in the agreement between the respondent Nos. 1 and 2. We are also informed that the respondent No. 2 has filed a civil suit, being CS(OS) 383/2015, against the present appellant. Whatever relief the said respondent seeks against the appellant would have to be in those proceedings.

In view of the foregoing, the impugned order is set aside. The appeal is allowed.

BADAR DURREZ AHMED, J

**OCTOBER 30, 2015
SR**

SANJEEV SACHDEVA, J