

504 CR NO.2147 OF 2014

**SANJAY KATARIA
V/S
MANAGER SKY LARK HARYANA TOURISM CORP. LTD.**

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Present: Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. Anil Kumar, Tourist Officer,
Haryana Tourism, Panipat.

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The petitioner filed a suit in which the respondent-corporation moved an application under Section 8(1) of the Arbitration and Conciliation Act, 1996 with a prayer that the suit cannot proceed and the matter be referred to the Arbitrator in view of the Clause 35 of the Agreement between the parties. This application has since been allowed by the Civil Judge (Junior Division), Panipat, photocopy of the order has been placed on the record by the respondent and the statement of the official who came present has also been recorded separately. It is clear from the statement of the respondent recorded today that the matter is now proceeding before the Arbitrator and the plaint has been returned to the plaintiff in order to pursue his remedy before the Arbitrator in view of the Clause 35 of the Agreement between the parties. The present revision petition has arisen out of an order passed by the Courts below on an application under Order 39 Rules 1 and 2. Since the plaint has been returned to the plaintiff for pursuing his remedy before the Arbitrator, which proceedings are now pending, the revision petition has been rendered infructuous and is, accordingly, disposed of as such.

Record be consigned.

**(G.C. GARG)
PRESIDENT**

**(N.K. KAPOOR)
MEMBER**

February 24, 2016

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