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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 487/1996 & IA No.1884/1996 (u/O 39 R-1&2 CPC)
ORMAA IMPEX P. LTD. Plaintiff

Through: None.

Versus

NISSAI ASB PTE LTD. Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **30.08.2016**

1. The proceedings in this suit for recovery of Rs.34,24,237.50p along with damages of Rs.10,10,774/- with pendente lite and future interest were vide order dated 4th February, 1997 stayed on an application of the defendant under Section 45 of the Arbitration & Conciliation Act, 1996.
2. None applied for revival of the suit.
3. The Registry of its own placed the suit before this Bench on 20th August, 2015 when court notice was ordered to be issued to the parties.
4. The court notice issued was reported to be served on the counsel for the plaintiff as well as the counsel for the defendant on 17th October, 2015 and 16th October, 2015 respectively.
5. None appeared.
6. As per law which has developed since 4th February, 1997 when the proceedings in this suit were stayed, on an application under Section 8 or under Section 45 of the Arbitration Act are to be disposed of by referring the parties to arbitration and are not to be kept pending with proceedings therein stayed. Reference in this regard can be made to *P. Anand Gajapathi Raju Vs. P.V.G. Raju* (2000) 4 SCC 539.

7. Accordingly, the suit is disposed of in terms of Section 45 of the Arbitration Act.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 30, 2016
'gsr'..