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

+ CM(M) 442/2016

M/S GANGA CONTRACTS AND PROJECTS LTD..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with  
Mr. Malik Ausaf, Mr. Sidharth  
Chopra, Advs.

versus

CHAGAN LAL TIWARI AND ORS ..... Respondents

Through: Mr. Rohit Goel, Mr. Sandeep Kumar,  
Advs.

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

% **18.07.2016**

**CM 20427/2016**

Learned counsel for the respondent does not press this application.  
The application is disposed of.

**CM 17190/2016**

Learned senior counsel for the petitioner does not press this  
application. The application is disposed of.

**CM (M) 442/2016**

1. The petitioner has challenged the order dated 1<sup>st</sup> March, 2016 whereby the learned arbitrator has dismissed the petitioner's application under Order 9 Rule 7 of the Code of Civil Procedure.
2. Learned senior counsel for the petitioner submits on instructions that the petitioner would not press this petition if the petitioner is granted one opportunity of making oral submissions before the learned arbitrator at the stage of final hearing.
3. Learned counsel for the respondent submits on instructions from the

son of respondent no.1 that the respondent would not oppose the petitioner's prayer for one last opportunity of making oral submissions before the learned arbitrator. It is further submitted that the petitioner has not paid the complete share of 50% of the fees and therefore, the respondent has paid the petitioner's share of legal fees to the learned arbitrator.

4. Learned senior counsel for the petitioner submits on instructions that the petitioner shall make the payment of their share of fees to the respondent before the next date of hearing fixed before the learned arbitrator i.e. 22<sup>nd</sup> July, 2016.

5. The statements of learned counsels for both the parties are taken on record. Both the parties shall appear before the learned arbitrator on 22<sup>nd</sup> July, 2016 when the learned arbitrator shall fix a date for oral hearing of final arguments. The petitioner shall not seek any adjournment on the date fixed and shall make the oral submissions before the learned arbitrator. The parties are at liberty to file brief note of submissions before commencing the oral arguments.

6. This petition is disposed of in terms of the statements made by learned counsel for the parties. Both the parties shall remain bound by the statements made before this Court today.

7. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

**J.R. MIDHA, J.**

**JULY 18, 2016**

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