

\$~3

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

+ **FAO(OS) 247/2015**

M/S GURU EDUCATION LTD & ORS Appellants

Represented by: **Mr.Mukesh M.Goel, Advocate**

versus

PRIYATMA MISHRA & ANR Respondents

Represented by: **Mr.Rahul Gupta, Advocate with
Mr.Umang Gupta, Advocate for R-1
and R-2**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

16.03.2016

1. Having heard learned counsel for the parties we find no infirmity in the impugned order dated January 15, 2015 which brings out that Sh.R.N.Singhal, Advocate appointed by M/s.Guru Education was acting very fairly and thereafter the appellants contrived to not only change the arbitrator but even contrived with Mr.P.C.Gupta, who was appointed as the sole arbitrator, to bypass the order passed by Sh.R.N.Singhal.
2. That apart, we are satisfied that the appellants are simply harassing the respondents.
3. The first respondent was employed as a teacher by PMT Guru, and not appellants 1 and 2. She was kept on probation and was bound down to serve for three years, a clause in the agreement which is ex-facie void, being in restraint on right to carry on a profession. Recital in the agreement that

PMT Guru spent money to train respondent No.1 is being misused to lay a claim against respondent No.1 for training her in sum of ₹2,24,100/-. In the statement of claim there is not even a reference to what training was imparted to respondent No.1. Respondent No.2, a relation of respondent No.1 had stood surety for the dues of respondent No.1.

4. The claim before the learned Arbitrator was filed by FIITJEE Ltd. Sh.R.N.Singhal noted that his appointment was by M/s.Guru Education. An application was filed before Sh.R.N.Singhal seeking amendment in the pleading to the effect that PMT Guru was a FIITJEE Group Company. The said application was dismissed and thereafter pressure was brought on Sh.R.N.Singhal to resign. Mr.P.C.Gupta was appointed as the sole arbitrator before whom while transferring the record of arbitration M/s.Guru Education was shown as the claimant.

5. The learned Single Judge has correctly terminated the mandate of the new arbitrator appointed.

6. The appeal is dismissed with costs in sum of ₹20,000/- to be paid by the appellants to respondents who shall share the amount equally.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 16, 2016

mamta