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

+ **FAO(OS) 417/2009**

SHANKAR DASS

..... Appellant

Represented by: Appellant in person.

versus

MAHINDER ACHDEVA

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **09.08.2016**

CM No.8304/2016

The appeal is listed for hearing today and we are deciding it today therefore the instant application which prays for an actual date of hearing to be fixed is dismissed as infructuous.

CM No.13247/2009

Since the appeal is being disposed of today the instant application is dismissed as infructuous.

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1. The appellant invoked remedy under Section 11 of the Arbitration and Conciliation Act, 1996 on the strength of an agreement to sell dated October 16, 2003. The respondent denied his signature thereon. The appellant had relied upon certain receipts pleading that pursuant to the agreement to sell he had paid further sums to the respondent evinced by the receipts executed by

the respondent. The respondent denied his signature on the receipts.

2. Disposing of the petition filed by the appellant vide impugned order dated August 03, 2009, the learned Single Judge held that if the Court was to decide whether the receipts in question bear the signature of the respondent the same would decide the main dispute as well. Under the circumstances the learned Single Judge held that the issue whether the agreement in question was executed by the respondent would be decided by the learned Arbitrator.

3. The learned Single Judge appointed Sh.S.M.Chopra, ADJ (Retd.) as the sole Arbitrator and fixed his fee at ₹60,000/- besides pocket expenses. The appellant was directed to deposit ₹50,000/-.

4. The appellant is aggrieved by the direction in the impugned order requiring him to deposit ₹50,000/-.

5. Needless to state the appellant can urge before the learned Arbitrator that the entire cost of arbitration may be reimbursed and this would mean that the deposit by the appellant pursuant to the impugned order would be subject to the final award.

6. We find no infirmity in the impugned order requiring the appellant to make the initial payment to the Arbitrator for the reason the appellant sought remedy under Section 11 of the Arbitration and Conciliation Act, 1996.

7. The appeal is dismissed with the observations hereinabove made.

8. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 09, 2016

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