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

+ **FAO 275/2016**

SURJEET SINGH

..... Appellant

Through: Mr. Rajeev Bansal and Ms.
Urvashi Malhotra Uppal,
Advocates

versus

SUNEET FINMAN PVT LTD & ANR

.....Respondents

Through: Mr. Prashant Sharma, Advocate for
respondent No.1

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **18.10.2016**

Impugned order of 23rd February, 2016 dismisses appellant's application under Order 9 Rule 13 of Civil Procedure Code to recall the order passed in Section 9 of *the Arbitration and Conciliation Act, 1996* whereby appellant's prayer for re-possession of the vehicle stands dismissed.

During the course of hearing of this appeal, learned counsel for respondent No.1 informs that an Award of 23rd July, 2016 has been already rendered and this appeal has become infructuous. Copy of the Award in question has been placed on record by learned counsel for respondent No.1.

Learned counsel for appellant submits that the impugned order is liable to be set aside and once it is set aside, then entire proceedings will

come to a naught.

Upon hearing and on perusal of the impugned order, I find that since the Award has been already passed and objections thereto are being filed as disclosed by appellant's counsel. In such a situation, this Court finds no justification to test the validity of the impugned order due to the changed circumstances.

This appeal is not dismissed, but it is disposed of while making it clear that impugned order shall have no bearing on the merits pertaining to the challenge of the Award in question.

(SUNIL GAUR)
JUDGE

OCTOBER 18, 2016

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