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

+ O.M.P. 1144/2012

HASTHI MAL MANOOT Petitioner
Through Mr.Samrat K. Nigam, Adv. with
Ms.Ayshwarya Chandar, Adv.

versus

CHANDER MUNI TYAGI & ORS Respondents
Through Mr.K.K.Tyagi, Adv. with
Mr.Iftkhar Ahmad, Adv. for R-4
& R-6.
Mr.R.K.Sharma, Adv. with
Mr.Deepak Tyagi & Mr.Rajan
Tyagi, Adv. for R-9.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **04.02.2016**

The petitioner has filed the abovementioned petition under Section 14 read with Section 15(2) of the Arbitration and Conciliation Act, 1996 and all other relevant and enabling provisions of law. The petition has been filed against 23 respondents.

Most of the respondents, who are appearing before Court, have argued that the present proceedings cannot be continued in view of the reason that they are not the necessary parties in the arbitration proceedings, in the absence of execution of any agreement with the petitioner. In fact, they submit that, the present petition is an abuse of the process of the Court. The petitioner and respondent No.1, who are allegedly having some agreement, have played a fraud upon the Court. The other respondents have never signed any agreement.

There is no existence of any agreement executed by all the respondents, except respondent No.1 who allegedly signed some agreement with the petitioner. It is also submitted that respondent No.1, who is not appearing, has mixed up with the petitioner. Although, respondent No.1 could not have signed the agreement, even if it is signed with the petitioner, because he has already surrendered his rights in favour of the other respondents who are related to respondent No.1.

Learned counsel for the petitioner has not denied the fact that the other respondents have not executed any agreement with the petitioner, nor there is existing an arbitration clause against them. He simply submits that there is an agreement between the petitioner and respondent No.1.

Without going into the merits of the case and without expressing any opinion on merits, I am of the view that the present petition is not maintainable. The same is accordingly dismissed. The petitioner is at liberty to move a proper petition, if permissible in law.

MANMOHAN SINGH, J.

FEBRUARY 04, 2016/ka