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

+ CM(M) 914/2016

BHARTI AIRTEL LIMITED Petitioner
Through Mr.Ramnish Khanna, Advocate

versus

SHAKUNTLA GUPTA Respondent
Through Ms.Vaishali Kakra, Advocate

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **14.09.2016**

CM No. 33454/2016 (exemption)

Allowed subject to all just exceptions.

CM(M) 914/2016 & CM No. 33453/2016

1. The respondent has filed the present suit for eviction and *mesne profits* against the petitioner. It is stated that the petitioner was inducted as a tenant of the plaintiff in respect of ground floor of the property bearing No.K-6, South Extension Part-2, NDSE, New Delhi on a lease.
2. The petitioner instead of filing written statement, filed an application under Section 8 of the Arbitration & Conciliation Act, 1996 relying upon the clause IV(4) of the agreement of lease dated 16th August, 2001 and subsequent agreement dated 01.10.2006 to contend that the suit is likely to be stayed and for seeking appointment of the Arbitrator in the matter. The trial court dismissed the application and also closed the right of the petitioner to file written statement.

3. By the present petition, the petitioner confines his relief only to the fact that he may be permitted to file written statement. He further submits that there are certain observations in the impugned order which go to the merits of the matter and may prejudice to the petitioner in the long run.
4. In my opinion, there is merit in the contention of the petitioner. The present application has been filed as a prima facie plausible explanation. It was a bona fide application.
5. In view of the above and in the interest of justice, as a final opportunity, two weeks' time is granted to the petitioner to file written statement.
6. Needless to say that the observations made by the trial court in its order dated 14.05.2016 are only for the purpose of disposal of the application under Section 8 of the Arbitration & Conciliation Act, 1996 and cannot influence the court at the stage of final arguments.
7. The petition is disposed of on the above terms.
8. A copy of this order be given *dasti* under the signature of the court master to the parties.

JAYANT NATH, J.

SEPTEMBER 14, 2016/v