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

+ EFA(OS) 42/2015

MANOHAR LAL

..... Appellant

Through: Mr. Shekhar Gupta, Advocate

versus

M/S ISHA BUILDCON & ORS.

..... Respondents

Through : Sh. Ashish Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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12.01.2016

1. The appellant i.e. the Decree Holder, is aggrieved by the judgment and order of learned Single Judge dated 22.09.2015 which held that the observations and admissions made by the Judgment Debtor in the course of the arbitration proceedings were inexecutable. The grievance urged is that the observations of the learned Single Judge that the contentions urged by him would be barred by constructive *res judicata*, comes in the way of putting forward any claims which may have arisen as a result of the compliance of the award.

2. This Court is of the opinion that the particular admissions cannot be executed in the manner sought by the appellant. Consequently, the observations of the learned Single Judge in para 4 shall not be construed as conclusive in case a plea or claim is

otherwise maintainable in law.

3. The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 12, 2016
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