

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI

C.R.P.NO.3335 OF 2017

O R D E R(Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioners have challenged the order dated 3.4.2017 passed in I.A.No.460 of 2016 in O.S.No.575 of 2016 on the file of XV Additional District and Sessions Judge, Kukatpally at Miyapur, Rangareddy District, whereby the I.A. filed by the petitioners for referring the dispute to Arbitral Tribunal as per clause 15 of the agreement cum GPA dated 17.08.2007, has been dismissed.

Learned counsel appearing on behalf of the petitioners has brought to the notice of this court paragraph No.5 of the impugned order, wherein it is observed that *“Admittedly there are two agreements dated 17.08.2007 and 28.06.2009. No doubt, as per clause 15 of the development agreement dated 17.08.2007 there is arbitration clause. Other agreement dated 28.06.2009 is not filed into court.”* Whereas, the document No.4 accompanied the plaint is copy of the development agreement for construction of commercial complex and memorandum of understanding dated 28.06.2009. This fact has been ignored by the court below while dismissing the present I.A. Therefore, we hereby set aside the order dated 3.4.2017 and remit the matter to the court below to decide I.A.No.460/2016 in O.S.No.575 of 2016 afresh after hearing both the parties, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

We hereby make it clear that the court below shall dispose of the matter without being influenced by any observations made in the impugned order or observations, if any, made by this court.

The revision is accordingly disposed of. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

SURESH KUMAR KAIT,J

N.BALAYOGI,J

DATE:06—09—2017

AVS

