

\$~7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(OS) 1529/2010 & I.A. No.17311/2010

YOGENDER PAL SEOUL & ANR

..... Plaintiffs

Through

Mr.Kamal Mehta, Mr. Brijesh Oberoi
and Mr. Lakhshana Oberoi, Advs.

versus

VIRPAL SINGH

..... Defendant

Through

Mr. Shiv Khorana, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

11.04.2017

Plaintiff No. 1 is the brother of the defendant. Plaintiff No. 2 is their mother. Present suit is a suit for possession, declaration, permanent injunction/recovery of mesne profits. Subject matter of this suit is a half share of deceased Narain Singh (father of plaintiff No.1) in property bearing No. 88, B-Block, Okhla Industrial Area, Phase-II, New Delhi. Reliefs qua this property have been sought by the plaintiffs in these proceedings.

It is an admitted position that after the death of Narain Singh, the defendant had moved an application under Section 11 of the Arbitration and Conciliation Act seeking appointment of an Arbitrator qua disputes inter-se the defendant and one Chander Mohan. Chander Mohan was stated to be the partner of late Narain Singh in the printing press namely 'Samrat Press'. The subject matter of this property was a license which had been granted by the DDA in favour of this partnership firm. Arbitration proceedings had arisen out of those disputes alleged inter-se between Chander Mohan and deceased

Narain Singh.

On 22.08.2016, this Court had noted that a petition under Section 11 of the Arbitration and Conciliation Act for appointment of an Arbitrator is listed before the Coordinate Bench of this Court. This Court has been informed that that petition has been disposed of and the Arbitrators have been appointed. The arbitration proceedings are yet to commence. On the same date i.e. on 22.08.2016, the plaintiffs had assured the Court that they would also be participating in the aforementioned proceedings at the relevant date before the Arbitrator. Learned counsel for the parties i.e. both the plaintiffs and the defendant co-jointly agree that claim before the Arbitrator shall be filed jointly by both the plaintiffs and the defendant. The subject matter of the arbitration proceedings is the assets of the partnership firm i.e. Samrat Press which includes not only its moveable assets but also the immovable assets meaning thereby that the half share of Narain Singh in the present suit property i.e. bearing No. 88, B-Block, Okhla Industrial Area, Phase-II, New Delhi will also be the subject matter of those arbitration proceedings. The lis inter-se would be decided by the Arbitrator accordingly.

In this view of the matter, this suit is not pressed. The plaintiffs seek permission of this Court to withdraw the suit. Permission granted. Suit dismissed as withdrawn.

INDERMEET KAUR, J

APRIL 11, 2017

A