

\$~53

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

+ **FAO 141/2017**

**MEDI ASSIST INSURANCE**

**TPA PRIVATE LIMITED**

..... Appellant

Through: Mr.Devashish Bharuka, Ms.Arпита  
Bishnoi, Advs.

versus

**ECARTES TECHNOLOGY PVT LTD**

..... Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

% **27.03.2017**

**CM 11897/2017**

Allowed, subject to just exceptions.

**FAO 141/2017 and CM 11896, 11898 of 2017**

1. The appellant has challenged the order dated 19<sup>th</sup> December, 2016 whereby the learned Trial Court has dismissed the appellant's application under Section 8 of the Arbitration and Conciliation Act on the ground that the alleged agreement dated 18<sup>th</sup> November, 2012 has been disputed by the respondent as a fabricated document. That apart, the alleged agreement dated 18<sup>th</sup> November, 2012 has been prepared on a stamp paper dated 10<sup>th</sup> January, 2013 which itself is sufficient to doubt the agreement at this stage.
2. There is no infirmity in the dismissal of the application by the learned Trial Court. The appeal is dismissed. The applications are also dismissed.
3. Learned counsel for the appellant submits that the appellant will lead evidence at an appropriate stage before the Trial Court to prove that the alleged agreement is not fabricated. The respondent is at liberty to do so.

**J.R. MIDHA, J.**

**MARCH 27, 2017/dk**