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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 146/2017 & IAs 4083/2017, 7312-7313/2017,
9568/2017

MANMOHAN RASTOGI

..... Petitioner

Through: Mr.Ashwani Kumar Goel, Adv.

Mr. Shellen Kumar Bajaj, Adv.

versus

SUBASH DOGRA & ANR.

..... Respondents

Through: Mr.Mahavir Singh, Mr.Sanjay

K.Chadha, Advs. for R-1-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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22.11.2017

IA 13722/2017

The present is an application filed by the counsel for the petitioner under Chapter V Rule 5 of the Delhi High Court Rules (1967) seeking discharge from the petition.

As Mr. Ashwani Kumar Goel, Advocate has appeared on behalf of the petitioner, the application is allowed and Mr.Shellen Kumar Bajaj is discharged as the counsel for the petitioner.

O.M.P.(I) (COMM.) 146/2017

This Court, vide an interim order dated 30th March, 2017, had passed the following directions:-

“3) Till the next date of hearing, the Respondents, their trustees, assigns, partners, families, managers are restrained from creating any third party rights or parting with possession of any part of the property at EA/2, Model Town Part-I, Delhi 110009.”

....2/-

I am informed that till date, the petitioner has not invoked the arbitration agreement.

Section 9(2) of the Arbitration and Conciliation Act, 1996 provides as under:-

“9(2) Where, before the commencement of the arbitral proceedings, a Court passes an order for any interim measure of protection under sub-section (1), the arbitral proceedings shall be commenced within a period of ninety days from the date of such order or within such further time as the Court may determine.”

As the arbitral proceedings have not been commenced till date and more than 90 days have passed since the ad interim order passed by this Court and no explanation for such delay is forthcoming from the petitioner, the present petition along with all pending applications are dismissed.

NAVIN CHAWLA, J

NOVEMBER 22, 2017
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