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

+ O.M.P.(I) (COMM.) 159/2017

CAPRI GLOBAL CAPITAL LTD. Petitioner/Claimant
Through Mr.A.P.Sharma, Adv.

versus

JAGGI ROHIT FRUIT TRADERS & ORS. Respondent
Through Ms.Shweta Kapoor, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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18.04.2017

The respondent has filed the present petition under section 9(1)(ii) of the Arbitration and Conciliation Act, 1996 seeking an injunction to restrain the claimant from taking possession, auctioning, alienating, disposing of and creating third party interest in respect of property being residential plot 9236, DLF Phase IV, Gurgaon to any person. The contention of the respondents is that the claimant has sent a notice for arbitration through the Sole Arbitrator, namely, Shri Gurcharan Singh Jugti, Retired, Additional District & Sessions Judge, Delhi. It is stated that the respondents No.4 and 5 applied for a loan against the said property on the name of the firm respondents No.1 and 2. There has been some default in payment of the loan and the claimant has commenced arbitration proceedings. The respondents fear that the claimant may try and dispossess the respondents from the said property illegally.

Learned counsel for the claimant, has entered appearance on behalf of the claimant and accepted notice. Learned counsel submits that the claimant, namely, Capri Global Capital Limited shall not take possession or auction the plot 9236, DLF Phase-IV, Gurgaon except by due process of law including available statutory remedies.

Binding the claimant to the above, present petition stands disposed of.

JAYANT NATH, J

APRIL 18, 2017

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