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

+ O.M.P. (E) 1/2017 & IA 5074/2017

SHOBHA DHALLA Petitioner
Through Ms.Apurva Upmanyu, Adv.
versus
KRISHNA LUTHRA Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 26.04.2017

IA 5074/2017

Exemption allowed, subject to all just exceptions.

O.M.P. (E) 1/2017

1. Present petition is filed under section 27 of the Arbitration and Conciliation Act, 1996 seeking a direction to summon witnesses No.3 and 4 as stated in the petition to appear before the Sole Arbitrator alongwith relevant documents and to direct all the witnesses to appear before the Sole Arbitrator for the purpose of recording evidence on the dates to be fixed for the said purpose by the learned Arbitral Tribunal.

2. The witnesses who are sought by the petitioner for evidence are as follows:-

1	Manjeet Singh Mehta R/o 197-F,Carriappa Marg,(Sainik Farm) M.B. Road New Delhi- 110062	Owner of the opposite side of the suit schedule property who has contributed 50% of the area in the road.
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2	Secretary, Cariappa Marg Resident Welfare Association Cariappa Marg, New Delhi	Request is being made to call the said witness to depose about the road being carved out of private properties of owners.
3	Tehsildar, D.C. Office (South) Revenue Mehrauli Badarpur Road New Delhi	Request is being made to call the said witness to depose about the road being carved out of private properties of owners and ownership of the parties on the basis of the records
4	Assistant Assessor & Collector, South Delhi Municipal Corporation New Delhi	For production of file pertaining to House Tax paid in respect of the suit property, the measurements of the plot on the basis of which house tax has been assessed.

3. The petitioners had moved an application under section 27 of the Arbitration and Conciliation Act before the learned Arbitrator on 3.3.2017 who allowed the application and permitted the petitioner to move this court.

4. Advance copy of the petition has been served on the respondents but none is present. In any case they were present before the learned Arbitral Tribunal when the order dated 3.3.2017 was passed.

5. In view of the above, the present petition is allowed.

6. At this stage, learned counsel for the petitioner submits that the Arbitral Tribunal has fixed dates of hearing on 19.5.2017 and 24.5.2017 at

4:00 PM for examination of the witnesses.

7. Accordingly, the witnesses may appear before the Arbitral Tribunal on the said two dates. Witnesses No.3 and 4 should also get the necessary record as stated in the petition. Necessary steps be taken by the petitioner in this regard within one week from today. The petitioner is free to take dasti summons for the witnesses.

8. A copy of this order be given dasti under signatures of the Court Master to learned counsel for the petitioner.

JAYANT NATH, J

APRIL 26, 2017

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