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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 402/2017

SUNNY TALWANI

..... Petitioner

Through : Mr.K.Singhal, Adv.

versus

SEEMA GUPTA

..... Respondent

Through : Mr.Risui Sood, Adv.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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02.11.2017

On 26.10.2015 the petitioner had entered into an agreement to sell with the respondent herein she had agreed to sell the property viz., the agricultural land measuring 2 bighas 8 biswas, bearing Mustatil No.3, Killa Nos. 21/1 (1-4) and 21/2 Min 11/2 (1-4), situated in revenue estate of Village Jonapur, Tehsil Mehrauli, New Delhi for the total sale consideration of Rs. 60,00,000/-. Part payment of Rs.40 lakhs was made through an online transfer dated 26.10.2015, however, the respondent failed to get the sale deed registered in favour of the petitioner. The petitioner gave notice dated 14.03.2017 to the respondent for appointment of a Sole Arbitrator. The name of sole Arbitrator was also intimated and the respondent was asked to give her consent but she failed to do so.

The arbitration clause in the agreement dated 26.10.2015 read

as under :

15. That any dispute arising out of or in connection with this agreement shall be referred to sole Arbitration of Mr. Vineet Malhotra, Advocate, Flat No.30, 8th Floor, Dakshineshwar, 10, Barakhamba Road, New Delhi, whose decision shall be final and binding on the parties. The proceeding shall be held in accordance with provision of arbitration and Conciliation Act, 1996.

In similar agreements with other members of the family of the respondent Mr. Justice Manmohan Sarin (Retd.) has been appointed as a sole arbitrator viz., in Arb.P.Nos.370/2017 and 325/2017.

Considering the submissions, Justice Manmohan Sarin (Retd.) (Mobile No.9818000210) is appointed as the Sole Arbitrator to adjudicate the dispute between the parties. All the issues are left open including the plea of the respondent about the agreement being a forged document. The learned Arbitrator may fix his fee in consultation with the learned counsel for the parties.

The petition stands disposed of in view of the above.

Order dasti.

YOGESH KHANNA, J

NOVEMBER 02, 2017

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