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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.710/2017, CM No.24463/2017 (for stay), CM No.24464/2017 (for filing additional documents) and CM No.24465/2017 (for condonation of delay of 7 days).

DIRECTOR (MEDICAL) DELHI ESIC AND ORS Petitioners
Through: Mr. Yakesh Anand and Mr. Nimit Mathur, Advs.

versus

FORSAN HEALTHCARE PVT LTD. Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **14.07.2017**

CM No.24466/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The CM stands disposed of.

CM(M) No.710/2017, CM No.24463/2017 (for stay), CM No.24464/2017 (for filing additional documents) and CM No.24465/2017 (for condonation of delay).

3. This petition under Article 227 of the Constitution of India impugns the orders dated 6th April, 2017 and 7th June, 2017 of the Court of Additional Senior Civil Judge, Patiala House Court, New Delhi in CS No.311/17.
4. Vide impugned order dated 6th April, 2017, the objection of the petitioners / defendants under Section 5 read with Section 8 of the Arbitration and Conciliation Act, 1996 to the suit filed by the respondent / plaintiff for the reliefs of permanent and mandatory injunction, declaration etc. was rejected.
5. The counsel for the petitioners / defendants filed an application for review of the said order and which application has been dismissed vide

Impugned order dated 7th June, 2017.

6. I have enquired from the counsel for the petitioners / defendants, whether the petitioners / defendants had filed an application under Section 8 of the Arbitration and Conciliation Act.

7. The counsel for the petitioners / defendants has replied in the affirmative and has drawn attention to page 92 of the paper book.

8. I have drawn the attention of the counsel for the petitioners / defendants to Section 37(1)(a) of the Arbitration Act which provides for an appeal to a Court authorised by law to hear appeals from original decrees of the Court passing the order against an order of refusal to refer the parties to Arbitration under Section 8.

9. The counsel for the petitioners / defendants states that this may be treated as an appeal.

10. The counsel has been reminded that appeal against the order of the Additional Senior Civil Judge would lie to the District Judge.

11. The counsel for the petitioners / defendants withdraws this petition with liberty to take appropriate remedies.

12. Dismissed as withdrawn with liberty aforesaid.

No costs.

RAJIV SAHAI ENDLAW, J

JULY 14, 2017

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