

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION No.23 of 2017

ORDER:

While the present application is filed before this Court seeking appointment of an arbitrator, the respondent herein had filed C.S. No.943 of 2016 on the file of Senior Civil Judge, Faridabad seeking declaration, dissolution and rendition of accounts of the partnership firm. The applicant herein had filed a written statement therein contending that the Court lacked jurisdiction, but did not file an application under Section 8 of the Arbitration and Conciliation Act, 1996. The applicant's request, for reference to arbitration, was rejected by the Senior Civil Judge, Faridabad. Aggrieved thereby, the applicant filed C.R.P No.7362 of 2017 before the Punjab & Haryana High Court. Thereafter the respondent filed C.S. No.1021 of 2017 before the Senior Civil Judge, Faridabad seeking mandatory injunction directing the applicant to clear the dues of the partnership firm. The said Suit is said to be still pending on the file of the Court of Senior Civil Judge, Faridabad.

It is only if, and after, orders are passed by the Punjab & Harayana High Court in C.R.P. No.7362 of 2017 preferred against the order passed by the Senior Civil Judge, Faridabad in C.S. No.943 of 2016, and by the Senior Civil Judge, Faridabad in C.S. No.1021 of 2017, would the applicant thereafter be entitled to make an application, under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator. Instead of keeping the application, in A.A. No.23 of 2017, pending on the file of this Court, suffice to dismiss this application granting liberty to the applicant to move an application afresh, seeking appointment of an arbitrator, after orders are passed by

the Punjab & Haryana High Court in C.R.P. No.7362 of 2017, and by the Senior Civil Judge, Faridabad in C.S. No.1021 of 2017.

The Arbitration Application is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 29.03.2018

MRKR

