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

+ CS(COMM) 119/2016

INTERNATIONAL AIR TRANSPORT ASSOCIATION Plaintiff

Through: Mr. K.R. Chawla, Mr. Vijay Chawla,
Mr. Sunil Verma and Mr. Mohinder
Singh Sachdeva, Advs.

Versus

SPRING TRAVELS PVT LTD & ANR Defendants

Through: Mr. J.P. Sengh, Sr. Adv. with Mr.
Ajay Chaudhary, Ms. Manisha Mehta,
Ms. Vaishali Tanwar and Ms. Mrigna
Shekhar, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **05.02.2018**

IA No.9449/2016 (of defendants u/O VII R-11 r/w S-8 of Arbitration & Conciliation Act, 1996)

1. The senior counsel for the defendants/applicants agrees that the invocation of Order VII Rule 11 of the Code of Civil Procedure, 1908 is misconceived.

2. The counsel for the plaintiff has fairly stated that the matter is covered by ***Delhi Express Travels Pvt. Ltd. Vs. International Air Transport Association*** MANU/DE/0739/2009 and against which, both counsels agree, no appeal was preferred and there is no contrary view.

3. The counsel for the plaintiff on further query agrees that the action brought before this Court by way of this suit is subject matter of arbitration agreement.

4. In this view of the matter, the application is allowed and disposed of.

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5. The parties are referred to arbitration under Section 8 of the Arbitration and Conciliation Act, 1996.

6. The suit is disposed of.

7. On request of the counsel for the plaintiff, a certificate entitling the plaintiff to refund of court fees paid on the plaint, less Rs.20,000/- be issued and handed over to the counsel for the plaintiff.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 05, 2018

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