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

+ C.R.P. 31/2016 & CM No. 6922/2016

ANJALI BANSAL

..... Petitioner

Through: Mr. Brijesh Kumar Tamber, Advocate

versus

RACHNA SAGAR PVT LTD

..... Respondent

Through: Mr. Rajesh Goswami & Ms. Anita
Goswami, Advocates.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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24.04.2018

The petitioner is defendant in the summary suit under Order XXXVII of the Code of Civil Procedure, 1908 filed by the respondent on 08.04.2015. She challenges the order dated 23.11.2015 of the Civil Judge passed on the file of the said suit (suit no. 66/2015) whereby her application under Section 8 of Arbitration and Conciliation Act, 1996 dated 03.08.2015 was dismissed. Though the Civil Judge had dismissed the application under Section 8 of Arbitration and Conciliation Act, 1996 primarily for the reason the arbitration clause did not name the arbitrator, space meant for such particulars having been left blank which, in the opinion of the Civil Judge, rendered it vague and uncertain, there is another reason why the prayer in the said application cannot be granted. It was conceded at the hearing that the petitioner upon being served with the summons had earlier submitted an application for leave to contest in June 2015 which was granted and in its wake the petitioner as the defendant had earlier submitted the written

statement to put to in contest, the application under Section 8 of the Arbitration and Conciliation Act, 1996 having been submitted subsequently. Since the prayer for reference of the dispute to the arbitrator has been made after submission of the “*first statement on the substance of the dispute*”, the application cannot be entertained.

The petition and the application filed therewith are dismissed.

R.K.GAUBA, J.

APRIL 24, 2018

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