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

Date of Decision: 10.7.2018

+ ARB.P. 155/2018

JOGINDER SINGH CHOUDHARY
(J.S. CHOUDHARY) & ANR.

..... Petitioner

Through: Mr. Anil Sapra, Sr. Adv. with Mr.
Sunil Kr. Gandhi, Mr. Shivanshu
Kumar, Mr. Aditya Kapoor, Ms.
Medha Tandon, Mr. Sarthak Katyal
and Mr. Jaideep, Advs.
Mr. J.S. Choudhary – petitioner No.1.
Mr. R.P. Choudhary – petitioner
No.2.

versus

SUKHVIR SINGH CHOUDHARY

..... Respondent

Through: Mr. Rajat Mathur with Mr. Akshay
Singh, Advs. along with respondent –
Sukhvir Singh Choudhary.

+ O.M.P.(I) 3/2018 & I.A. No.4062, 8254/2018

SHRI J.S. CHAUDHARY & ANR.

..... Petitioner

Through: Mr. Anil Sapra, Sr. Adv. with Mr.
Sunil Kr. Gandhi, Mr. Shivanshu
Kumar, Mr. Aditya Kapoor, Ms.
Medha Tandon, Mr. Sarthak Katyal
and Mr. Jaideep, Advs.
Mr. J.S. Choudhary – petitioner No.1.
Mr. R.P. Choudhary – petitioner
No.2.

versus

SHRI SUKHVIR SINGH CHAUDHARY (SHRI S. S.
CHAUDHARY) & ANR.

..... Respondent

Through: Mr. Rajat Mathur with Mr. Akshay

Singh, Advs. for R-1.
Mr. Deepak Gupta with Mr. Jai Sahai
Endlaw, Advs. for R-2.
Mr. Sukhvir Singh Chaudhary –
respondent No.1.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J (ORAL)

1. After some arguments, learned counsel for both the parties submit that these matters be disposed of with the following directions:

- (i) The petitioners before this Court will file a suit *qua* respondent No.1, who, has raised objections with regard to the existence of the Arbitration Agreement, which is contained in the Memorandum of Oral Partition dated 4.7.2014.
- (ii) The suit, if any, shall be filed by the petitioners within six weeks from the date of receipt of a copy of the order.
- (iii) The interim orders dated 2.2.2018 & 22.3.2018 shall continue to operate for a period of six weeks from the date of receipt of the order to enable the petitioners to move the appropriate Court by way of a suit action.
- (iv) In case the suit action is not filed within the aforementioned timeframe, the interim protection granted by the orders dated 2.2.2018 and 22.3.2018 will dissolve.
- (v) Needless to say, the parties will be at liberty to advance their contentions before the suit court and seek necessary relief.

2. I may only note that both petitioner No.1 and 2 as well as respondent No.1 are present in the Court and this order is passed with their concurrence.

3. Consequently, pending applications shall stand closed.

RAJIV SHAKDHER, J

JULY 10, 2018/pmc