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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 238/2018

DINESH KUMAR

..... Petitioner

Through: Mr.Arjun Malik, Adv.

versus

SMT. MANBIR KAUR W/O LATE SH. AMARJIT SINGH & ORS.

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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11.09.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of an Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the Mutual Understanding /Agreement dated 27th April, 2005. The said agreement was executed between the petitioner and Late Smt.Manbir Kaur, Sh.Manpreet Singh and Sh. Preetpal Singh, Wife and sons of Late Sh.Amarjit Singh.

The said Agreement contains an Arbitration Agreement in form of Clause 10 thereof, which is reproduced hereinbelow:

“10. That in case of any dispute between the parties in respect to the said agreement of any matter incidental thereto, the matter will be referred to a mutually appointed arbitrator, whose decision in the matter will be final and binding in between the parties and no party will have the right to challenge such decision of the arbitrator in any court of law.”

It is the case of the petitioner that since the execution of the said agreement, Smt.Manbir Kaur, Sh.Manpreet Singh and Sh.Preetpal Singh have expired leaving behind the respondents as their legal representatives.

Learned counsel for the petitioner submits that the respondents have also filed an application seeking succession certificate and it is only upon the publication of the same, the petitioner became aware that the respondents are claiming rights in the property which is the subject matter of the agreement.

The petitioner invoked the Arbitration Agreement in the Mutual Understanding /Agreement mentioned above vide notice dated 1st February, 2018. Having received no response, the present petition was filed.

Notice on this petition was issued to the respondents on 3rd April, 2018 and in spite of service of notice, none appeared for the respondents on 4th May, 2018, 25th May, 2018, 19th July, 2018 and even today.

As the existence of the Arbitration Agreement between the predecessors of the respondents and the petitioner as also due invocation thereof remain uncontested, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the above mentioned Mutual Understanding/Agreement.

I appoint, **Mr.Rakesh Kapoor**, Retired District & Sessions Judge, Delhi, R/o 5-C, Court Road, Civil Line, Delhi-110054, Ph.011-23993200 as the Sole Arbitrator for adjudicating the disputes that

have arisen between the parties. The Arbitrator shall give his disclosure statement under Section 12 of the Act before proceeding with the reference.

All submissions and objections of the respondents shall remain open before the Arbitrator so appointed.

The petition is allowed in the above terms with no order as to costs.

Dasti.

NAVIN CHAWLA, J

SEPTEMBER 11, 2018
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