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

+ **O.M.P. (E) (COMM.) 10/2018**

ERNST & YOUNG LLP

..... Petitioner

Through Mr A.K. Thakur, Advocate.

versus

ROCKLAND HOSPITALS LIMITED

..... Respondent

Through Mr Ramesh Singh, Mr Harrish Beeran,
Mr Mushtaq Salim, Mr Faisal M. Aboo Backer,
Mr Ranjay N and Mr Dev Prakasit, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.05.2018**

IA No. 6295/2018

1. The respondent has filed the present application seeking recall of the order dated 13.04.2018 to the extent that it directs issuance of summons to the witnesses who are residents of The United Arab Emirates. The learned counsel appearing for the applicant (the respondent herein) points out that in terms of Section 27 (4) of the Arbitration and Conciliation Act, 1996, the court is empowered to issue the same processes to the witnesses as the court may issue in suits tried before it. In the aforesaid circumstances, this Court cannot issue summons to witnesses which are located outside India.

2. One of the recourses for examining such witnesses would be to issue a letter of request in terms of Section 77 of CPC. In view of the above, the order dated 13.04.2018 to the extent it directs issuance of summons to Dr

Shamsheer Vyalil and Dr Ibtesam Al Bastaki, is recalled.

3. The application is disposed of.
4. The petitioner is also at liberty to move an appropriate application.

VIBHU BAKHRU, J

MAY 08, 2018

pkv