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

+ CM(M) 382/2016 and CM APPL.14852/2016

M/S FIITJEE LTD

..... Petitioner

Through: Ms. Arti Rawat, Advocate with
Mr. Mukesh H. Goel, Advocate

versus

SHYAM SHANKAR DWIVEDI

..... Respondent

Through: Mr. Deepak Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.02.2018**

After some hearing, the learned counsel for the respondent fairly concedes that the impugned order dated 16.03.2016 of the Civil Judge dismissing the application of the petitioner, defendant of the suit, for reference of the dispute to arbitration in terms of Section 8 of the Arbitration & Conciliation Act, 1996, on the basis of clause 27 of the agreement between the parties, may be set aside and the matter arising out of the said application seeking reference to arbitration may be remitted for fresh consideration, in as much as, in the plaint there is no averment of fraud having been played or the plaintiff of the suit having been deceived, which is the prime consideration on which the reference was declined.

The impugned order is set aside. The learned civil Judge shall rehear the matter and pass fresh order on the application in accordance with law.

The petition and the application filed therewith are disposed of in above terms.

R.K.GAUBA, J.

FEBRUARY 05, 2018/vk