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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 166/2017
R.K. ASSOCIATES THROUGH ITS PARTNER SH. RAM KISHAN
GUPTA Petitioner

Through: Mr. Shrey Chathly, Adv
versus

SANJEEV KUMAR MALHOTRA & ORS Respondents
Through: Mr. Harish Katyal with Ms. Pratyasha
Kunj, Advs for respondent no. 11&12
Mr. Naveen Kumar Chaudhary with
Mr. B.K. Goel, Advs for respondent
no. 13 and 14

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **23.08.2018**

1. The record shows that service qua all the respondents is complete.
2. The order dated 19.01.2018, would show that respondent no. 10 has expired. This aspect has been noticed by me in an order passed today, in Arb. Petition 727/2017.
3. I am informed that respondent no. 9 is the only legal representative of respondent no. 10.
4. Furthermore, a perusal of the order dated 19.01.2018, would show that respondent no. 2 to 5 and 7 to 9 have been proceeded *ex parte*.
- 4.1 Insofar as, respondent no. 6 is concerned, since the said respondent has refused to accept service, he has also been proceeded *ex parte* via the very same order i.e. order dated 19.01.2018.

6. Respondent no. 11 and 12 are represented by Mr. Harish Katyal, while respondent no. 13 and 14 are represented by Mr. Naveen Kumar Chaudhary.

7. To be noted, respondent no. 13 and 14 are the purchaser of the subject property. Respondent no. 13 and 14 are not parties to the Arbitration Agreement.

8. Furthermore, this Court had vide order dated 24.04.2017, had directed parties (which would include respondent no. 13 and 14) to maintain status quo *vis-a-vis* the subject property, till further orders of the Court.

9. Having regard to the fact that an order has been passed today in Arb. Petition 727/2017, whereby an Arbitrator has been appointed with regard to the disputes arising between the petitioner and respondent no. 1 to 12.

10. The other respondents (which would include respondent No.13 and 14) will maintain status quo *vis-a-vis* the subject property till further orders, if any, that may be passed by the learned Arbitrator.

11. Learned Arbitrator will have liberty to confirm, vacate or even vary the order dated 24.04.2017.

12. Respondent no.1 to 12 are given liberty to move to the learned Arbitrator for appropriate orders in that behalf.

13. The petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

AUGUST 23, 2018

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