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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 362/2018
LUBNA ABDULLAH & ANR Petitioners
Through: Mr.T.S.Sawhney, Dr.Farrukh Khan,
Mr.Dinkar Tiwari, Advs.

versus

JAMSHED ALAM K Respondent
Through: Mr.M.A.Kartik, Mr.Abhishek
Srivastava, Mr.Ankur Modi, Advs. along with
respondent in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **09.10.2018**

1. This petition under Section 9 of the Arbitration and Conciliation Act, 1996(hereinafter referred to as the 'Act') has been filed by the petitioners *inter alia* seeking the following reliefs:

“a) Issue ex-parte injunction, to be confirmed after notice, restraining the Respondent from enjoying the unlawful possession of the property bearing House No. G- 67 Nizamuddin West New Delhi 110013; and

b) Issue ex-parte injunction, to be confirmed after notice, directing the respondent to hand over the total outstanding amount to the tune of Rs. 13,44,495/- along with interest@ 24% pendente lite; or

c) In the alternative issue ex-parte injunction, to be confirmed after notice, directing the Respondent to furnish a Bank Draft/Bank guarantee to be deposited before this Hon'ble Court as security in lieu of the admitted liabilities of the Respondent; and

d) Issue ex-parte injunction, to be confirmed after notice, directing the Respondent to not create any lien or third party rights over the property bearing House No.G-67 Nizamuddin

*West New Delhi 110013; and
e) Appoint a receiver /local commissioner for taking actual physical vacant peaceful possession of the property bearing House No. G-67, Nizamuddin West New Delhi 110013 and to handover the possession thereof to the Petitioners in accordance with law; and”*

2. During the pendency of the present petition, the petitioner, in terms of the Arbitration Agreement between the parties, has already appointed an Arbitrator who has also entered reference. In my view, the petitioner can, therefore, seek the same relief in form of an application under Section 17 of the Act before the Arbitrator.
3. Counsel for the petitioners prays for leave to withdraw the present petition with liberty to file an appropriate application before the Arbitrator for seeking such relief.
4. It is hoped that the Arbitrator shall expeditiously decide the same.
5. The petition is disposed of as withdrawn with liberty as prayed for.

NAVIN CHAWLA, J

**OCTOBER 09, 2018
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