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

+ W.P.(C) 9861/2018

R K RAMETRA

..... Petitioner

Through: Mr. Bharat Bhushan Bhatia with
Mr. Rajesh Bhatia, Mr. Ankit Bhatia,
Advocates.

versus

NEEL KAMAL COOPERATIVE GROUP HOUSING SOCIETY &
ORS

..... Respondent

Through: Mr. Devesh Singh, ASC with Ms.
Sukriti Ghai and Ms. Urvashi
Tripathi, Advs.
Mr. S.K. Kaushik, Adv. for DCHFC
Mr. Rajiv Vig, Adv. for R-1 Society.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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18.12.2018

C.M. No. 53458/2018

The petitioner is stated to have died and his legal heirs are sought to be brought on record.

Issue notice. Counsel for the respondent accepts notice.

The application is allowed subject just exceptions.

The legal heirs are brought on record.

W.P.(C) 9861/2018 & C.M. No. 38440/2018, C.M. No. 43364/2018

The submission of learned counsel for the petitioner is that, even though an award was passed in favour of the petitioner by the Arbitrator on 15.07.2011 in Arbitration case No.534/JR/ARB/2010-11; consequent to which the petitioner also made payment of Rs. 1,23,520/- vide a bank draft dated 17.08.2007; the appeal preferred by the respondent co-operative society is pending before the Delhi Co-operative Tribunal against the said award; the recovery certificate has been issued suddenly after a lapse of 8 years.

In view of the aforesaid, we dispose of this petition with a direction to the Delhi Co-operative Tribunal to expedite the disposal of the appeal preferred by the co-operative society against the aforesaid award. Till the same is decided, no coercive steps shall be taken to recover the amount from the petitioner in terms of the recovery certificate.

The petitioners shall, however, not encumber or transfer his flat in the meanwhile till the matter attains finality.

We make it clear that we have not expressed any view on the merits of the case.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 18, 2018

N.Khanna