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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 433/2017

JUKASO HOTELS

..... Petitioner

Through: Mr. Avishkar Singhvi with Mr. Dhruv Surana &
Mr. Rahul Arya, Advs.

versus

Y.S.TOMAR & ORS.

..... Respondents

Through: Mr. Shakeel Sarwarwani, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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30.07.2018

1. Learned counsel for the respondents has raised a preliminary objection, which is, that there is no arbitration agreement obtaining between the parties. This objection is put forth based on the manner in which Clauses 12 and 13 of the main Contract have been framed.

1.1 It is also the submission of learned counsel for the respondents that if suit action is filed by the petitioner in a Court of competent jurisdiction, the respondents would not have the petitioner non-suited on the ground that there exists an arbitration agreement between the parties.

1.2 The statement of learned counsel for the respondents, to that effect, is taken on record.

2. Mr. Singhvi, who, appears on behalf of the petitioner, having heard the statement made by the learned counsel for the respondents,

seeks to withdraw the arbitration petition with liberty to file an appropriate suit action in a Court of competent jurisdiction.

3. Liberty in that behalf is granted to the counsel for the petitioner.
4. The petition is dismissed as withdrawn with liberty, as prayed.

RAJIV SHAKDHER, J

JULY 30, 2018

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