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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (E) 4/2018**

SUVED DEVELOPERS PVT. LTD. Petitioner
Through: Mr. Ankit Jain and Mr. Sarvesh Rai,
Advs.
versus

HOLYSTAR INDUSTRIES & ANR. Respondents
Through: None

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
ORDER
% **26.10.2018**

1. It appears that a typographical error has crept in the order dated 3.10.2018.
 - 1.1 The error is with regard to the description of the petitioner.
 - 1.2 The petitioner has been wrongly described as a Decree Holder.
 - 1.3 The order dated 3.10.2018 is corrected to that extent.
2. It may be noted that via the order dated 3.10.2018, Mr. Jain, who, appears for the petitioner, was directed to file a copy of the order passed by the learned arbitrator fixing the fresh dates for examination of witnesses.
 - 2.1 This direction had to be issued as the learned Arbitrator had fixed 4.10.2018 as the date for examination of the witnesses.
 - 2.1 Since the date fixed by the learned Arbitrator was proximate to the date fixed before the Court, a direction had to be issued in the matter.
3. Mr. Jain says that the learned Arbitrator's order dated 4.10.2018 has been filed with the Registry.
4. It appears that the Registry has raised some objections and, therefore,

the said order has not been uploaded.

5. However, Mr. Jain has furnished a copy of the same, in Court, today.

5.1 The operative part of the order dated 4.10.2018 passed by the learned Arbitrator reads as follows:

“Consequently Hon’ble Court is requested that the witnesses may be summoned for 13.11.2018 at 2.30 p.m. at Delhi High Court Bar Association Office, New Delhi and remaining witnesses may kindly be directed to be summoned as mentioned in sub-paras (b), (c), (d) and (e) of para 4 of the application for 19.11.2018 at 2.30 PM at Delhi High Court Bar Association Office, New Delhi. The parties are also being directed to pay the remaining Arbitrator’s fees of Rs.25,000/- each by the next date of hearing.”

6. Mr. Jain says that the aforesaid directions issued by the learned Arbitrator are related to paragraph 8 of the captioned petition.

7. According to Mr. Jain, the witnesses referred to in paragraphs 8(a), 8(e) and 8(f) being located in Delhi, they could be summoned on 13.11.2018 at 2.30 p.m. to appear before the learned Arbitrator.

7.1 Insofar as the remaining witnesses are concerned i.e., those referred to in paragraph 8(b) to 8(d), Mr. Jain says they could be directed to appear before the learned Arbitrator on 19.11.2018 at 2.30 p.m.

8. Accordingly, a direction is issued for appearance of witnesses on the date and time and venue given hereafter for the purpose stated alongside their name.

S.no.	Name /Particulars of the official	Date	Time	Venue	Purpose
1.	Mr. J.S. Sandhu,	13.11.2018	2.30 p.m.	Delhi High Court Bar	In his capacity as the attesting witness of

	S/o Late Mr. Ajit Singh, R/o 26C (2nd Floor), DDA MIG Flats, B-Biock, Vivek Vihar, Phase-II, (Near Underpass), Delhi-110095 (India)			Association Office, New Delhi	the Agreement to Sell dated 21.05.2014.
2.	Official from the Indian Overseas Bank, New Friends Colony, New Delhi	13.11.2018	2.30 p.m.	Delhi High Court Bar Association Office, New Delhi	For production of a duly certified copy of the Statement of Account of M/S Suved Developers Pvt. Ltd. bearing AJC No.179502000000388
3.	Official from M/s Ajay K. Gupta. Chartered Accountants	13.11.2018	2.30 p.m.	Delhi High Court Bar Association Office, New Delhi	For production of the record of the Claimant and, one, Mr. M. C. Goel.
4.	Official from the District Court Gurgaon, Court of Ms. Kirti Jain Civil Judge, District Court, Gurgaon, Haryana	19.11.2018	2.30 p.m.	Delhi High Court Bar Association Office, New Delhi	For production of the record of the Civil Suit for Specific Performance, Declaration and Permanent Injunction, Bearing No. 14/2007, Titled as " <i>Pradeep Paliwal V/s M/s Holystar Industries</i> ".
5.	Official from the District Court Ludhiana	19.11.2018	2.30 p.m.	Delhi High Court Bar Association Office, New Delhi	For production of the record of Complaint U/S 138 of NI Act. Titled as " <i>Munish Kumar Dhir Vs. Jaswant Singh Sandhu</i> ", Bearing Complaint No. 4543/2017.

9. The petition is disposed of in the aforesaid terms.
10. The Registry will despatch a copy of this order to the respondents as well as to the learned Arbitrator.
11. Furthermore, the Registry will also issue *dasti* notices for effecting services on the witnesses adverted to above.
18. *Dasti* under the signature of Court Master.

RAJIV SHAKDHER, J

OCTOBER 26, 2018

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