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

+ CS(OS) 384/2017 and I.A. Nos. 12394/2017 (under Section 8 of the Arbitration & Conciliation Act), 14312/2017 (under Section 45 of the Evidence Act) & 9463/2017 (stay)

SH. ARUN KUMAR BHALOTIA & ANR Plaintiffs
Through; Ms. Smita Mann, Advocate.

versus

SH. GOPAL KUMAR BHALOTIA Defendant
Through: Mr. Arjun Krishnan, Advocate with
Mr. Ankur Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **09.01.2018**

1. After hearing the counsels for the parties, this suit is disposed of by referring the disputes in the present suit as also disputes which may arise in any manner with respect to or connected with the family settlement/partition dated 15.7.2009, to the Arbitration of Shri B. B. Chaudhary, District & Sessions Judge (Retired) Mobile No.9910384611.

2. Counsels for the parties also agree that irrespective of the wording of the arbitration clause in the family settlement/partition dated 15.7.2009, the Arbitrator hereby appointed to determine the disputes between the parties connected to or with respect to the family

settlement/partition dated 15.7.2009 will proceed in accordance with the procedure and other aspects as specified under the Arbitration & Conciliation Act, 1996. It is further clarified that parties will be entitled to file their claims and counter claims before the Arbitrator and which will not be restricted to the pleadings as raised in the present suit and claims and counter-claims to be filed can encompass all reliefs and claims which arise pursuant to the family settlement/partition deed dated 15.7.2009.

3. The Arbitrator will be paid a sum of Rs.1.50 lacs as consolidated lumpsum fee subject to the condition that parties will complete the final arguments in the arbitration proceedings within 20 hearings and whereafter Arbitrator can charge Rs 10,000/- for each effective hearing. Arbitrator will also be paid all out of pocket expenses of the arbitration proceedings. The fees and the expenses with respect to the Arbitration will be equally shared by the parties. It is also agreed that venue of the arbitration proceedings will be at Delhi. Arbitrator will be paid a lumpsum of Rs 1 lac initially and balance on completion of plaintiff's evidence.

4. Parties to appear before the Arbitrator on 23rd February, 2018 at 4.00 P.M. Arbitrator will accordingly decide the disputes, claims and counter-claims etc between the parties in accordance with law and the

Arbitration & Conciliation Act.

5. Since the suit is disposed of as not pressed by referring the matter to Arbitration with consent of the parties, at a stage before commencement of evidence, plaintiffs are held entitled to refund of 50% of the court fee in terms of Section 16-A of the Court-fees Act, 1870 (as applicable to Delhi) and the Registry will issue the necessary certificate in favour of the plaintiffs.

VALMIKI J. MEHTA, J

JANUARY 09, 2018

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