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

+ **FAO(OS) 91/2019**

SUKHDEEP SINGH & ANR

..... Appellants

Through: Mr. Manjit Singh Ahluwalia &
Mr. Jaspreet Singh, Advocates.

versus

VED PRAKASH CHAUHAN

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

13.05.2019

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C.M. No. 20238/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

FAO(OS) 91/2019 and C.M. Nos. 20237/2019 & 20239/2019

The appellants have preferred the aforesaid appeal under Section 37 of the Arbitration & Conciliation Act with an application to seek condonation of 10 days delay in re-filing the appeal. The appeal is directed against the order dated 18.02.2019 passed by the learned Single Judge in the objection petition preferred under Section 34 of the Arbitration & Conciliation Act. The objections preferred by the petitioner have been dismissed by the learned Single Judge.

Learned counsel for the appellants submits that one of the objections raised by the petitioner before the learned Single Judge was that the counter-claims of the petitioner/ objector had not been adjudicated by the learned Arbitrator while rendering the award dated 21.02.2015.

A perusal of the impugned order shows that no such argument/ ground appears to have been advanced before the learned Single Judge. It appears that the plea urged by the appellants was that there was no arbitration agreement between the parties and hence the arbitration was not maintainable. Learned counsel for the appellants submits that in his grounds raised under Section 34 of the Arbitration & Conciliation Act, he had raised the said plea. Merely raising a plea in the objection petition is not sufficient and it was necessary for the appellants to have pressed the objection at the hearing of the objection petition. Learned counsel for the appellants states that he had advanced submission on this aspect as well. However, there is nothing in the impugned order to reflect upon the said position.

In view of the aforesaid circumstances, learned counsel for the appellants seeks leave to withdraw this appeal with liberty to move a review petition before the learned Single Judge.

Dismissed as withdrawn with liberty as prayed for.

Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 13, 2019

B.S. Rohella