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

+ O.M.P. 1/2020 & IA Nos.1511/2020 (for stay), 1514/2020 (for delay of 19 days in filing)

JAMSHED ALAM

..... Petitioner

Through: Mr.Manish Sharma with Mr.Ninad Dogra & Mr.Anmol Nag, Advs.

versus

LUBNA ABDULLAH & ANR.

..... Respondents

Through: Mr.Sachin Dutta, Sr. Adv. with Dr. Farrukh Khan, Ms.Shantala Sankrit & mr.Ankrit Kakkar, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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03.03.2020

1. The present petition under Section 34 of the Arbitration and Conciliation Act, 1996 seeks to assail the award dated 05.10.2019 passed by the Sole Arbitrator.

2. During the pendency of the petition, the parties have arrived at an amicable settlement, according to which while the petitioner undertakes to hand over the vacant possession of the premises to the respondents on or before 15.03.2020, the respondents undertake to pay a sum of Rs.6 lakhs by way of demand draft to the petitioner, at the time of being handed over vacant possession of the premises by the petitioner. Upon receipt of this amount of Rs.6 lakhs, the

petitioner will have no surviving claim against the respondents and the security amount already paid to the respondents would stand adjusted from the same. It is further agreed between the parties that the respondents will withdraw all proceedings under Section 138 of the Negotiable Instruments Act, initiated against the petitioner and will not deposit any other cheque issued by the petitioner as may be available with the respondents.

3. The petitioner, who is present in Court, undertakes to hand over vacant possession of the premises to the respondents on or before 15.03.2020. He further assures the Court that no third party will be created in the premises and the electricity and water charges payable till the date of handing over vacant possession of the premises to the respondent will be borne by him.

4. Learned counsel for the parties therefore jointly submit that the petition be disposed of in terms of the aforesaid settlement.

5. In view of the stand taken by the parties, the petition is disposed of in the aforesaid terms. The impugned award dated 05.10.2019 will no longer be enforceable, but the same would be subject to the petitioner abiding by his undertaking given before this Court. An affidavit to this effect will be filed by the petitioner within three days from today.

6. The petition along with the pending applications are accordingly disposed of in the aforesaid terms.

7. It is made clear that in case the petitioner does not hand over the vacant possession of the premises to the respondents on or before 15.03.2020, the respondents will not only be entitled to seek

enforcement of the award as per law but will also be entitled to initiate contempt proceedings against the petitioner.

REKHA PALLI, J

MARCH 03, 2020
gm