

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No.3366 of 2021(O&M)

Date of Decision: April 06 , 2022.

Bharat Singal

..... PETITIONER (s)

Versus

Gurmeet Singh and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arun Bansal, Advocate and
Mr. Anubhav Bansal, Advocate
for the appellant.

Mr. Rahul Deswal, Advocate
for respondents No.1 and 2.

Ms. Divya Arora, Advocate
for respondent No.3-Arbitrator.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the appellant being aggrieved of order dated 21.10.2021 passed by the learned Additional District Judge, Karnal in a petition under Section 9 of the Arbitration and Conciliation Act, 1996, filed by respondents No.1 and 2, whereby the appellant was restrained from interfering in the management of the R.P. Welltar Hospital or close the joint account with the Federal Bank, Panipat, threatening, insulting, preventing doctors, nurses and other staff from carrying out their duties, from closing the

canteen, pharmacy, medical lab, removing medical equipment, disconnecting electricity supply from the hospital premises, operating separate bank account of Axis Bank as mentioned, till the appointment of Arbitrator. The order, it is stated, would remain in force upto 90 days and during this period, both the parties would cooperate with each other for appointment of an Arbitrator to adjudicate the matter.

Notice of motion was issued in this appeal on 15.12.2021 while noting the contentions on behalf of the appellant as under:-

“Learned counsel for the appellant inter alia submits that learned Additional District Judge, Karnal, has erred in entertaining the petition under Section 9 of the Arbitration and Conciliation Act, 1996 filed by respondents no.1 and 2 and passing order dated 21.10.2021 while directing interim measures detailed therein. It is submitted that the hospital in question stands closed, but in the garb of order dated 21.10.2021, respondents are trying to remove the fixtures and the machinery etc., from the hospital in an illegal manner. It is categorically stated that at this point of time, no doctor or staff is running the hospital. Reference is made to a tabulated status attached as Annexure A-8. It is further submitted that lack of bona fides on the part of the respondents is also apparent from the fact that instead of coming forward for appointment of an Arbitrator in the proceedings in ARB-437 of 2021 on 22.11.2021, respondents sought time to file reply.”

Status quo as on today was directed to be maintained and the appeal was directed to be taken up alongwith ARB No.437 of 2021.

Today, with the consent of learned counsel for the parties, Arbitrator has been appointed in ARB No.437 of 2021 for adjudication of the entire dispute between the parties.

As the Arbitrator has been appointed in the connected petition, there is no question of any further orders to be passed in this appeal and the lis is now necessarily in the realm of consideration of the learned Arbitrator.

Appeal is, accordingly, disposed of with liberty to the parties to present their respective stands/claims/counter claim before the learned Arbitrator, who needless to say would consider the same in accordance with law.

April 06 , 2022.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No