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

Date of decision: 06.10.2023

+ **CM(M) 1634/2023 & CM APPL. 51640/2023**

BHARAT CHUGH & ANR. Petitioners

Through: Mr. Navneet R., Advocate

versus

M.C. AGRAWAL HUF Respondent

Through: Mr. R.K. Agrawal and Mr. Rishabh
Tomar, Advocates

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 51639/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1634/2023 & CM APPL. 51640/2023

1. After some arguments, learned counsel for the Petitioner states that in this petition, he is limiting his relief for seeking permission for examination of Petitioner No. 2 i.e., Ms. Monica Chugh as the party witness i.e., DW-2.

1.1. He states that the evidence affidavit of the Petitioner No. 2 shall be filed and served on the Respondent i.e., the claimant, on or before 13.10.2023.

Signature Not Verified

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By: MAHIMA SHARMA
Signing Date: 07.10.2023
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1.2. He states that Petitioners undertake that no adjournment will be sought on their behalf before the learned Sole Arbitrator and the witness will remain present for her examination and cross examination.

2. In response, learned counsel for the Respondent states that he has no objection to this limited relief and prays for three (3) days' time from 13.10.2023 to examine the contents of the evidence affidavit.

3. Accordingly, with the consent of the parties, the learned Sole Arbitrator is requested to fix a date for examination and cross examination of the proposed witness i.e., Ms. Monica Chugh, on a date after 18.10.2023 as per the convenience of the learned Sole Arbitrator.

3.1. The parties agree that in view of the directions passed today, the parties will jointly seek an adjournment before the Arbitral Tribunal today i.e., on 06.10.2023 and have the next date fixed after 18.10.2023.

4. Learned counsel for the Petitioner during the course of arguments has stated on instructions that Petitioners do not wish to examine Ms. Deepthi Gupta, Ms. Tanya Sharma, and Ms. Mercy Hussain as witnesses; permission in respect whereof was granted by the learned Sole Arbitrator vide order dated 13.09.2023 and 15.09.2023. The said statement is taken on record and the Petitioners are bound down to the same.

4.1. Similarly, he states that the Petitioners do not wish to examine the Chief General Manager and/or the Regional Director of SEBI, permission whereof was granted by the learned Sole Arbitrator vide order dated 15.09.2023. The said statement as well is taken on record and the Petitioners are bound down to the same.

5. He further states that the impugned order dated 13.09.2023, inter alia, deals with the dismissal of an application filed by the Petitioner under



Section 13 of the Arbitration and Conciliation Act, 1996 ('Act of 1996').

5.1. He states that he is not pressing his grounds of challenge to the said part of the order dated 13.09.2023 in the present petition. He prays that his right be reserved to assail the said part of the order at the time of filing his petition, if any, under Section 34 of the Act of 1996 in accordance with law.

5.2. The said statement is taken on record and liberty as sought for by the Petitioners is reserved to challenge the dismissal of the application under Section 13 of the Act of 1996 in accordance with law.

6. With the aforesaid directions and with the consent of the parties, the present petition stands disposed of.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 6, 2023/rhc/aa

Click here to check corrigendum, if any