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

+ **ARB.P. 945/2023**

INDIAN SPINAL INJURIES CENTRE Petitioner
Through: **Mr. Sandeep Kapoor & Mr. M.K.
Kandam, Advocates.**

versus

**ESCORTS HEART INSTITUTE AND
RESEARCH CENTRE LIMITED,** Respondent
Through: **Ms. Aparna Gupta, Advocate.**

**CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN**

ORDER

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19.02.2024

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 is for appointment of an arbitrator to adjudicate disputes between the parties under an agreement dated 20.07.2002.

2. On 25.01.2024, the following objection of the respondent was recorded:

“1. Ms. Aparna Gupta, learned counsel, has entered appearance on behalf of the respondent, and submits that the agreement, under which the petitioner seeks reference to arbitration, was entered into on 20.07.2002, whereas the purported claim of the petitioner arose thereafter. She submits that the claim is for indemnity in respect of liability to a patient, who was admitted in the petitioner - hospital on 09.12.2001 and passed away on 10.12.2001. She submits that in these circumstances, the proposed arbitration claim is entirely outside the scope of the agreement [the agreement expressly provides that it is effective from the date of execution] and the arbitration clause contained therein.”

3. In view of this objection, Mr. Sandeep Kapoor, learned counsel for



the petitioner, seeks permission to withdraw this petition with liberty to the petitioner to agitate its grievances by way of a civil suit.

4. The petition is dismissed as withdrawn with liberty as aforesaid.

PRATEEK JALAN, J

FEBRUARY 19, 2024

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