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

+ **CM(M) 2903/2024**

**MS CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LIMITED**Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate with
Mr. Sidharth Chopra, Mr. Navneet
Thakran and Mr. Aditya Raj,
Advocates.

versus

JYOTI MAHESHWARI AND ORSRespondents

Through: None.

**CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN**

ORDER
19.09.2024

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CM APPL. 54867/2024

1. The present application seeks clarification of judgment passed by this Court on 11.07.2024.
2. This Court has gone through the above said order which related to one execution petition filed by the Decree Holder Company seeking enforcement of the Award wherein the Arbitrator had been, admittedly, appointed unilaterally.
3. In view of the statement made by the petitioner before this Court, the execution petition was permitted to be withdrawn. In para 14 and 15 of order dated 11.07.2024, this Court has observed as under:-

“14. During course of the consideration, learned counsel for the petitioner assured that any other matter pertaining to the petitioner company where the appointment of the Arbitrator was unilateral in

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nature, it would be ensured that no such execution petition is filed. And, if filed, the same is withdrawn, forthwith.

15. Keeping in mind the overall facts of the case and the aforesaid statement made by the learned counsel for petitioner, no real purpose would be served by keeping the aforesaid execution petition alive any longer and, therefore, the execution petition is permitted to be withdrawn.”

4. It has been submitted by learned Senior Counsel for the petitioner that the assurance was in context of the matter pending within the jurisdiction of this High Court only and though the Decree Holder Company would make best efforts to persuade all concerned not to insist for execution of any such type of matter pending beyond the jurisdiction of this Court, the Executing Court is insisting for submitting a strict compliance report and has, therefore, fixed up the matter before itself for tomorrow.

5. Since the instant CM(M) had been disposed of and the Execution Petition in question was permitted to be withdrawn, ideally, there was no requirement for the learned Executing Court to have kept the matter alive for any purpose, much less, for seeking compliance report, as there was no such direction issued by this Court in this regard either.

6. This Court is also conscious of the fact that the present petition had been filed invoking Article 227 of the Constitution of India and, therefore, even otherwise, it may not always be possible for the Decree Holder Company to ensure strict compliance with respect to any such petition pending outside Delhi.

7. Sh. Kirti Uppal, learned Senior Counsel for the petitioner states that the Decree Holder Company would send communication to its offices and branches situated outside Delhi, informing them about the



legal position and to take appropriate steps but it will be travesty of justice if they are asked to submit a compliance report to said effect. It is submitted that above said assurance was only as a good gesture and nothing beyond.

8. Keeping in mind the scope and ambit of the present petition, it is felt that there was no real requirement of insisting for seeking any compliance report by the learned Trial Court. It is thus made clear that there is no requirement of submitting any further compliance report before the learned Executing Court, more so, when the execution petition itself has been permitted to be withdrawn and is no longer pending before the learned Executing Court.

9. The application stands disposed of in the aforesaid terms.

10. Copy of the order be given *Dasti* under the signatures of the Court Master.

MANOJ JAIN, J

SEPTEMBER 19, 2024
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