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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 32/2024 & I.A. 795/2024

LORD SHIVA TEX EXPORTS PVT LTD

..... Plaintiff

Through: Mr. Shiv Charan Garg, Mr. Imron
Khan and Mr. Mihir, Advocates.

versus

NILOFER IPNINDER SINGH @ NILOFER SINGH..... Defendant

Through: Ms. Jyoti Nambiar, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

02.04.2024

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1. Ms. Jyoti Nambiar, learned counsel, enters appearance on behalf of the defendant, and submits that the disputes between the parties are covered by an arbitration clause, i.e., Clause 17 of the Agreement to Sell dated 10.01.2023, of which the plaintiff claims specific performance. She states that the defendant is ready and willing to enter into arbitral proceedings under the aegis of Delhi International Arbitration Centre ["DIAC"].

2. In view of the above, Mr. Shiv Charan Garg, learned counsel for the plaintiff, seeks permission to withdraw this suit with liberty to the plaintiff to agitate its grievance in the arbitral proceedings. However, he submits that the parties may also make an attempt to resolve their disputes in mediation. Ms. Nambiar is also agreeable to the same.

3. Having regard to the above, the suit, alongwith pending

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application, is dismissed as withdrawn, with liberty to the parties to approach Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi-110503, for an attempt to settle the disputes through mediation.

4. The parties will appear before the learned Mediator on 15.04.2024.
5. In the event they are unable to arrive at a settlement within eight weeks, either party may approach DIAC to enter into reference.
6. It is agreed between the parties that today will be deemed to be the date of invocation of the proceedings under Section 21 of the Arbitration and Conciliation Act, 1996 [“the Act”].
7. Having regard to Section 16 of the Court Fees Act, 1870, the Registry is directed to refund the court fees to the plaintiff.

PRATEEK JALAN, J

APRIL 2, 2024
SS/