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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 14th October, 2024***

+ CM(M) 3606/2024 & CM APPL. 60269/2024
SUSHIL KUMAR SAHDEV

.....Petitioner

Through:

versus

M/S S.K FINANCE AND LEASING CO. & ANR.

.....Respondent

Through: Mr. Jatan Singh, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Petitioner herein is plaintiff who has filed a suit seeking declaration and permanent injunction.
2. When the above said suit was pending, defendant No.1 moved an application under Section 8 of Arbitration and Conciliation Act, 1996 seeking reference of the disputes to an Arbitrator.
3. It is submitted that such application was filed on 26th October, 2020 and the limited grievance in the present matter is that such application has yet not been disposed of and, therefore, learned Trial Court be requested to expedite its disposal.
4. Mr. Jatan Singh, learned counsel for respondent/defendant No.1 appears on advance notice and states that one other application was also filed by the plaintiff which resulted in delaying the disposal of the above said application. It is also submitted that before the above said application moved



under Section 8 of Arbitration and Conciliation Act, 1996 could be taken up for consideration, the plaintiff himself moved an application seeking amendment in the suit. Such application was moved as late as on 24th July, 2024.

5. Nonetheless, Mr. Jatan Singh learned counsel for the respondent No.1 states that even he would have no objection if the learned Trial Court is requested to take up the above said application moved under Section 8 of Arbitration and Conciliation Act, 1996 on priority basis and to dispose that of in accordance with law.

6. Keeping in the mind the overall facts and circumstances of the case, and statement made by learned counsel for both the sides, the present petition is disposed of with request to the learned Trial Court to consider both the above said applications i.e. application moved under Order VI Rule 17 read with Section 151 CPC (filed by the plaintiff) and application under Section 8 of Arbitration and Conciliation Act, 1966 (filed by the defendant No.1) as expeditiously as possible and to dispose them of preferably within three months from the date of receipt of the present order.

7. It is however, expected that both the sides would render requisite assistance and cooperation to the learned Trial Court in this regard and would not seek any unnecessary adjournment.

8. The petition is disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 14, 2024/ss