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

+ **CM(M) 4023/2024**

FIITJEE LTD

.....Petitioner

Through: Mr. Mukesh M. Goel and Ms. Disha
Sharma, Advocates.

versus

DR PRITHIVIRAJ SWAMY

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **12.12.2024**

CM APPL. 73002/2024 (preponement of date of hearing)

Bearing in mind the short issue that is involved in the petition, the same is taken up for disposal today.

Application stands disposed of.

CM(M) 4023/2024

1. The petitioner impugns the directions dated 11.11.2024, issued by the sole arbitrator in the arbitration case titled as, "Dr. Prithviraj Swamy vs FIIT JEE LTD".
2. Vide e-mail dated 11.11.2024, the learned arbitrator directed the claimant as also the respondent to file the statements by way of affidavit within ten days after 23.11.2024 i.e. by 03.12.2024. The learned arbitrator specified that the said affidavits shall be treated as examination-in-chief of the concerned witnesses.



3. The learned counsel submits that petitioner has been called upon to file the affidavits of the witnesses even prior to completion of evidence of claimant. His main apprehension is that in case the petitioner does not feel the necessity to examine any witness, after conclusion of evidence of claimant, there is a likelihood that adverse inference may be drawn against the petitioner on account of non-production of witnesses, whose affidavits are already taken on record at this stage.
4. The Court is of the view that such an apprehension is misplaced. The petitioner would always be at liberty to not press for the examination of such witnesses, even though their affidavits may be on record. Of course in that eventuality, affidavit of such witness would not be considered.
5. Hence, the Court does not find any merit in the petition. The same is disposed of in terms of aforesaid order.
6. The next date already fixed i.e. 09.01.2025, stands cancelled.

RAVINDER DUDEJA, J

DECEMBER 12, 2024 /vp