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

+ **CM(M) 3928/2024**

SUNIL MEHDIRATTA

.....Petitioner

Through: **Mr. Sanjay Jain & Ms. Ankita Kedia,**
Advs

versus

S.P. ADVISORS PVT. LTD.

.....Respondent

Through: **Ms. Shivambika Sinha & Ms. Nimita**
Kaul, Advs

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

16.01.2025

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CM(M) 3928/2024 & CM APPL. 69305/2024 (Stay)

CM APPL. 70549/2024 (to place on record conduct of the Ld. Sole Arbitrator)

1. This is petition under Article 227 of the Constitution of India seeking to set aside the impugned order dated 30.09.2024 passed by the learned Arbitrator which closed the right of the petitioner (RW-1), to be cross examined and listed the matters for final arguments.
2. Learned counsel for the petitioner submits that the impugned order is erroneous and as it disregards the petitioner's medical condition and respondent's lack of objection for deferring the cross-examination.
3. The petition has been opposed by learned counsel for the respondent submitting that petitioner did not follow the timelines set by the Arbitrator for recording of his evidence so much so he did not even produce the



original documents upon which he had placed reliance, which resulted in frequent adjournments from time to time.

4. It is further submitted that petitioner took adjournments in the garb of being unwell, even though he was travelling to USA in connection with engagement of his daughter.

5. Learned counsel states that he needs only one opportunity to produce the documents and to tender himself for the purpose of cross-examination.

6. Even though the record reveals that the conduct of the petitioner was not above board, the Court feels that lis between the parties should be decided on merits rather than on technicalities.

7. Considering the overall facts and circumstances and in best interest of justice, the present petition is allowed and the impugned order dated 30.09.2024 is set aside subject to cost of Rs.20,000/- with direction that petitioner shall get only one opportunity to produce the entire original documents and tender himself for cross-examination. It is made clear that petitioner shall not seek any adjournment on account of any reason whatsoever for the said purpose. The Arbitrator shall fix a date accordingly for the said purpose.

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

RAVINDER DUDEJA, J

JANUARY 16, 2025

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