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

+ O.M.P.(I)(COMM.)430/2023, I.As.26331-32/2023

MR. ATUL MALIK & ORS.

..... Petitioners

Through: Mr. R.M. Sinha, Mr. Gaurav, Mr. M.
M. Sinha, Advs.

versus

MRS. ROHINI SAWHNEY & ORS.

..... Respondents

Through: Mr. Akshay Makhija, Sr. Adv. with
Mr. Imran Moulaey, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.12.2023

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1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following prayers;

“It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to restrain the respondents from forcibly dispossessing the petitioners from the property in question AND creating third party interest on the property in question i.e. farm land No. 26, Rangpuri, Shivaji Marg, Westend Greens, New Delhi, measuring 2.5 acres bearing Khasra No. 744, 745, 747 and 748 bearing Municipal No. 26 Rangpuri, New Delhi since the possession has been handed over to the petitioners by the respondents vi de documents MOU dated 02.03.2021 & 02.03.2023 executed pursuant to agreement to sell dated 06.10.2017, and possession letter dated 24.03.2018 and has paid a sum of Rs. 32 crores leaving the balance of a sum of Rs. 2 1.5 crores to be paid by the petitioner who is ready and willing to pay the same at the time of executing the sale deed.”

2. Issue notice.



3. Mr. Imran Moulaey, learned counsel has accepted the notice on behalf of the respondents.
4. Mr. Akshay Makhija, learned senior counsel for the respondents submitted that without prejudice to the rights and contentions of the respondents, the petition shall not be disposed of without due process of law. However, the learned senior counsel for the respondents submitted a connected matter CS(OS) No.212/2018 before the Hon'ble Ms. Justice Neena Bansal Krishna.
5. In the fitness of the things, let this matter be placed before the Hon'ble Ms. Justice Neena Bansal Krishna on 08.01.2024 subject to the orders of the Hon'ble Judge-In-Charge (original side).

DECEMBER 22, 2023
Pallavi

DINESH KUMAR SHARMA, J