

IN THE HIGH COURT TO UTTARANCHAL AT NAINITAL

ARBITRATION PETITION NO.7 OF 2003

1. Smt. Paramjit Kaur D/o Late H.S. Sandhu
 2. Shri Gurprit Singh Sandhu, S/o Late H.S. Sandhu, for
Self and for petitioner No.1 above as her General Power of
Attorney Holder, both adults, both residents of Sandhu
Farm, Village Faziplur- Mehrola, Pargana Rudrapur,
Tehsil Kichha, District U.S. Nagar
- Petitioners

Versus

Hotel Sonia Pvt. Ltd., a private company registered under the
Companies Act, 1956, having its registered office at Rudrapur, District
U.S. Nagar, through its Managing Director, Shri G.K. Rungta

..... Respondents

WITH

CIVIL REVISION NO.90 OF 2002

1. Smt. Paramjit Kaur D/o Late H.S. Sandhu through Power of
Attorney Holder Sri Gurpreet Singh Sandhu S/o Late Harpal
Singh Sandhu
 2. Shri Gurprit Singh Sandhu, S/o Late H.S. Sandhu,
Both residents of Farm Village Jagalpur, Mohalla Tehsil
Kichha, Pargana Rudrapur, District U.S. Nagar
- Revisionists

Versus

Hotel Sonia Pvt. Ltd., Rudrapur, District Udham Singh Nagar, through
Managing Director Sri Gopal Krishna Rungta S/o Late Phool Chandra
Rungta R/o House No.72, Maharaja Ugrasen Road, Rudrapur District
Udham Singh Nagar

..... Respondent

Shri Gurdyal Singh, learned counsel for the petitioners.
Shri Akhilesh Kalra, learned counsel for Respondent.

Dated: 30.07.2005

Hon'ble P.C. Verma, J.

By means of this arbitration petition, the petitioner
has prayed for appointment of the Arbitrator.

The agreement clause relating to appointment of
Arbitrator contains the provisions for filing of suit by

aggrieved party. Accordingly, the Civil Suit No.35 of 2002 was filed by the respondents and the suit has finally been heard and the judgment is reserved by the Trial Court, therefore, the learned Trial Court is directed to deliver the judgment.

Further, in view of the decision of the Trial Court in the suit, the application for arbitration shall stand abated and therefore, shall stand dismissed after the delivery of judgment.

Consequently, the Civil Revision No.90 of 2002 shall also stand dismissed.

(P.C. Verma, J.)

Rajeev Dang

Order modified vide order passed on 31.8.2005 on clarification/modification application No.6379/2005 moved by the applicant/revisionists in Civil Revision No. 90/2002.

(P.C. Verma, J.)