

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CMPMO No. 18 of 2006.

Date of Decision: 28th September, 2006.

Gopal Singh.	...	Petitioner
Versus		
Sarla Devi.		Respondent

Coram

The Hon'ble Mr. Justice V.K. Gupta, C.J.

Whether approved for reporting¹?

For the Petitioner: Mr. R.K. Bawa, Senior
Advocate, with Mr.
Rajpal Thakur, Advocate,
for the petitioner.

For the respondent: Mr. G.D. Verma, Senior
Advocate, with Mr. B.C.
Verma, Advocate, for the
respondent.

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V.K. Gupta, C.J. (Oral).

As we were in the process of hearing arguments in this case, the learned counsel for the parties came to terms and submitted that the entire gamut of controversy between the parties forming the subject matter of the suit itself pending in the Court of learned Civil Judge (Senior Division), Shimla can be adjudicated upon, resolved and finally decided through the mechanism of arbitration by appointing a Single

¹ Whether reporters of the Local Papers are allowed to see the Judgment?

Member Arbitral Tribunal, to be agreed upon by the learned counsel for the parties. Actually, the learned counsel for the parties went a step ahead and suggested the name of Shri Raman Sethi, Advocate as the Single Member Arbitral Tribunal on the basis of this agreement and the consequential oral compromise having been arrived at, and entered into between the parties in the Court today itself.

In the course of the proceedings of this case Mr. Bawa submits that the petitioner be permitted to withdraw the suit since now the parties have decided to take recourse to arbitration. Mr. Verma submits that the course of action resulting in the adjudication of the disputes between the parties through arbitration is the most ideal and suitable course, also looking to the fact that indeed there is an arbitration agreement between the parties and the respondent always wanted that the disputes should be settled through arbitration.

This petition is disposed of as settled.

The suit filed by the petitioner is dismissed as withdrawn. All proceedings, appeals and revisions etc. including the present

petition arising out and from the aforesaid suit or any order(s) passed in connection therewith shall also stand disposed of. The subject matter of the suit as also all disputes connected therewith between the parties are hereby referred to the arbitration of Shri Raman Sethi, Advocate.

The petitioner Gopal Singh Thakur undertakes to file a statement of claims before the learned Arbitrator within two weeks from today. The respondent Sarla Devi undertakes to file her defence to the statement of claims as well as her counter claim within three weeks thereafter. Mr. Bawa undertakes to file rejoinder thereto including reply to the counter claim within one week thereafter. The learned Arbitrator as well as the parties have agreed that the first sitting of the arbitration shall be held on 25th November, 2006 at 11.00 a.m. in the office chamber of the learned Arbitrator. The learned Arbitrator shall ensure that keeping in view the prevailing estrangement between the parties and also the fact that the parties are neighbours and at one time they had cordial relations, the arbitration proceedings are concluded very very expeditiously. The learned

Arbitrator shall not be influenced in the conduct and conclusion of the arbitration proceedings by the report of the Local Commissioner appointed by this Court vide order dated 9th May, 2006.

The fee of the Arbitrator is fixed at Rs.6,000/- which shall be paid to him in equal share by both the parties within four weeks from today.

The impugned order is set aside.

The petition is disposed of.

Dasti copy on usual terms.

28th September, 2006.
(tr)

(V.K. Gupta), C.J.