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

+ **FAO 125/2019 & CM APPL. 13722/2019**

+ **FAO 129/2019 & CM APPL. 14009-14010/2019**

+ **FAO 130/2019 & CM APPL. 14011-14012/2019**

SATYAPAL & ANR

..... Appellants

SURENDER SINGH

..... Appellant

SH. SUSHIL KUMAR & ANR.

..... Appellants

versus

SHRI RAM TRANSPORT

FINANCE CO LTD & ORS

..... Respondents

For petitioner:- Mr. Shaad Anwar, Advocate. with Ms. Shabnam,
Advocate.

For respondent:- None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **07.08.2019**

1. Learned counsel for the appellant submits that in an appeal raising similar grounds, (FAO 144/2019), this Court passed the following order on 14.05.2019:-

“1. Issue notice. Learned counsel for the respondent accepts notice.

2. Learned counsel for the appellants states that he was not served with the notice appointing the arbitrator or with the arbitral award dated 02.12.2013. Learned counsel submits that the finding in the impugned judgment that the appellant had refused service of the notice is erroneous.

3. The Trial Court record be summoned. It is made clear that if upon perusal of the Trial Court Record, it is found that the appellants had been duly served or had refused service, then the appeal will be dismissed with exemplary costs.

4. It is stated that the execution proceedings have been

FAO 125/2019 and other connected matters

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pending before the learned District Judge, Rohtak. Upon the appellant depositing 50% of the awarded amount or furnishing security for the like amount to the satisfaction of the executing court, the execution of the impugned award shall remain stayed until the next date of hearing.

5. *List on 30.09.2019.”*

2. It is submitted that in two of the present cases, the same arbitrator has passed the award dated 02.12.2013. The appellants contend that no notice of the arbitration, or of the arbitral award, was received by them until execution proceedings were initiated by the respondent/award holder.

3. Issue notice, *dasti* in addition. Notice may be served through counsel appearing in the Executing Court as well.

4. Upon the appellant depositing 50% of the award amount, or furnishing security of the like amount to the satisfaction of the Executing Court, the execution of the award will remain stayed until the next date of hearing.

5. List on 30.09.2019.

PRATEEK JALAN, J

AUGUST 07, 2019

j's