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

+ O.M.P.(I) (COMM.) 241/2022 & I.A. 12660/2022

MR KAMAL KUMAR & ANR. Petitioners

Through: Mr. Jayant K. Mehta, Sr.
Advocate with Mr. Aaditya
Vijay Kumar, Ms. Akshita
Katoch, Ms. Shreya Shree
Singh, Advocates
(M:9608985781;email:singhshreyaashree@gmail.com)

Versus

MR CHAMAN PRAKASH & ORS. Respondents

Through: Mr. Rajshekhar Rao, Sr.
Advocate with Mr. Sanjeev
Singh, Advocate for R-1
(M:9871741424;email:sanjeev
inghassociats@yahoo.in)
Mr. Sumehar Bajaj, Mr. Raghu
Tandon, Ms. Divya Bansal,
Advocates for R-14/PSL
(M:9873064721;email:raghutan
don@gmail.com)

25 AND

+ CS(OS) 472/2022 & I.As. 12670-71/2022

KAMAL KUMAR & ANR. Plaintiffs

Through: Mr. Jayant K. Mehta, Sr.
Advocate with Mr. Aaditya
Vijay Kumar, Ms. Akshita
Katoch, Ms. Shreya Shree
Singh, Advocates



versus

CHAMAN PRAKASH & ORS.

..... Defendants

Through: Mr. Rajshekhar Rao, Sr. Advocate with Mr. Sanjeev Singh, Advocate for D-1 (M:9871741424;email:sanjeevinghassociats@yahoo.in)
Mr. Sumehar Bajaj, Mr. Raghu Tandon, Ms. Divya Bansal, Advocates for D-14/PSL (M:9873064721;email:raghutan don@gmail.com)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
08.08.2022

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I.A. 12660/2022 in O.M.P.(I) (COMM.) 241/2022

1. This is an application under Section 151 of CPC for exemption from filing original documents and typed and marginated copies of the dim documents.
2. Allowed, subject to just exceptions.
3. Application is disposed of.

O.M.P.(I) (COMM.) 241/2022

4. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996 filed on behalf of the petitioner Nos. 1 and 2 who are the brothers against the respondent Nos. 1 to 13 who are the Uncles, Aunts and Cousins of the petitioners. Respondent No. 14 is PSL Retail Private Limited.
5. By way of the present petition under Section 9 of the



Arbitration and Conciliation Act, 1996, the petitioners are praying for injunction against the respondent Nos. 1 to 13 from creating any third party rights and interest in respect of the property situated at 5, Main Mehrauli Road, New Delhi admeasuring 3525.56 sq. Yards forming the other part of 5, Main Mehrauli Road, New Delhi and Khilonewala Farm (collectively referred to as “IHE property”).

6. Issue notice. Notice is accepted by counsel for the respondents. It is pointed out that the respondent Nos. 1 and 2 had written a letter dated 25.06.2022 to the petitioners informing the petitioners with respect to the deal that was being discussed with respondent No.14 and that the said deal would be finalised by 28.06.2022. Vide the same letter dated 25.06.2022, respondent Nos. 1, 2 and 10 admitted to the 1/8th share of the petitioners and stated that the same would be segregated and demarcated.

7. It is also seen from the record that pursuant to the letter dated 25.06.2022, the petitioners wrote a letter stating that they were not agreeable to the Lease Deed being executed.

8. Ld. Senior Counsel appearing for the respondents submits that the Lease Deed has already been executed in favour of the respondent No.14 on 28.07.2022.

9. It is further pointed out by ld. Senior Counsel for the respondents that along with the present petition an agreement of the year 2008 has been attached containing an arbitration clause, which has already been superseded by agreement of 2013, which also contains an arbitration clause. However, the agreement of 2013 has not been filed. In view of the submissions made before me, the parties



are directed to file the 2013 agreement before the next date of hearing.

10. Considering the dispute between the parties and the fact that the 1/8th undivided share of the petitioners is non-disputed, it is deemed appropriate to direct the parties in the first instance to sit together and workout at a solution.

11. At request of the parties, the matter is referred to Senior Mediator before the Delhi High Court Mediation and Conciliation Centre. List before the Delhi High Court Mediation and Conciliation Centre on 17.08.2022.

12. List before the Court on 02.09.2022.

I.A. 12671/2022 in CS(OS) 472/2022

13. This is an application filed on behalf of the plaintiffs under Section 151 of CPC for exemption from filing original documents and typed and margined copies of the dim documents.

14. Recording the plaintiffs' undertaking that the inspection of original documents shall be given, if demanded, or that the original documents shall be filed prior to the stage of admission/denial, the exemption is allowed.

15. As prayed, the plaintiffs are allowed to file clear copies and typed version of hand written documents within four weeks.

16. Application is disposed of.

CS(OS) 472/2022 & I.A. 12670/2022

17. Re-notify on 02.09.2022.

MINI PUSHKARNA, J

AUGUST 8, 2022/au