

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 14436/2019

Godavari W/o Sher Singh Choudhary, Aged About 78 Years, R/o
18, First Polo, Paota, Jodhpur.

----Petitioner

Versus

1. Kanahaiyalal Jangid S/o Jasuram, R/o 2/407 Kudi Bhagtasani Housing Board, Jodhpur.
2. Ravindra Singh S/o Sher Singh Choudhary, R/o House No. 82, First Polo, Jodhpur.
3. National Arbitral Tribunal, Jodhpur Through Its Registrar, 14/11 Veer Durgadas Nagar, Paota C Road, Jodhpur.
4. Legal Resolution Centre Pvt. Ltd., Through Its Director, Registered Address, Jindal House, Opp. Cafe Coffee Day, Near Ratanada Sabji Mandi, Jodhpur.
5. Registrar Of Companies Corporate Bhawan, Civil Lines, Jaipur.

----Respondents

For Petitioner(s) : Mr. Muktesh Maheshwari

JUSTICE DINESH MEHTA
Order

27/09/2019

Mr. Muktesh Maheshwari, learned counsel for the petitioner submits that in furtherance of a forged power of attorney purportedly given by the petitioner, her son Ravindra Singh has entered into an agreement to sell in relation to agricultural land belonging to the petitioner.

He further submits that an arbitration clause was incorporated in such agreement to sell based on which, the respondent No.1 filed a claim, signed on 26.09.2019, before the National Arbitral Tribunal – respondent No.3 on 26.09.2019; the matter was ordered to be placed before sole Arbitrator at 4.00 pm

on the same date, wherein notices were ordered to be issued on 26.08.2019 (at 4.00 pm) making them returnable on 28.08.2019 (at 11.00 am).

It is asserted in the petition that the petitioner was not served with the notice and the service has been fraudulently shown. In support of such assertion, Track Consignment Report have been placed at page Nos.73, 74 & 75, which show exactly the same time i.e. 16:20:11 of delivery of the consignments sent to three separate persons, vide three separate receipts, whereas petitioner and her son (respondent No.2) reside in separate houses, though in same colony.

Having invited Court's attention towards the above noted facts and navigated the Court through the material on record, learned counsel contends that firstly the notices were never served upon the petitioner and secondly the sole Arbitrator has given less than 40 hours' time, which shows that the sole Arbitrator has proceeded in unwarranted haste in passing the interim order restraining the petitioner from selling, transferring or otherwise alienating the property, belonging to her.

Learned counsel argues that the respondents No.1 and 2 are having hands in gloves and at their instance the proceedings have been taken contrary to principles of natural justice and all canons of fairness.

The submissions made by Mr. Maheshwari prima facie appears to be correct.

Issue notice. Issue notice of stay application also, returnable within six weeks.

Meanwhile, effect and operation of the order dated 28.08.2019 (Annex.10), passed by Justice H. R. Panwar, the Sole Arbitrator, National Arbitral Tribunal, so also further proceedings in Arbitration Proceedings No.NAT/AP/2019/83, shall remain stayed.

(DINESH MEHTA),J

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RAJASTHAN HIGH COURT



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