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

+ O.M.P.(I) (COMM.) 430/2023, I.A. 26331/2023- FOR INTERIM  
STAY & I.A. 26332/2023- FOR EXEMPTION  
MR ATUL MALIK & ORS. .... Petitioners

Through: Mr. R.M. Sinha, Mr. Gaurav and Mr.  
P.M. Sinha, Advs.

versus

MRS ROHINI SAWHNEY & ORS. .... Respondents

Through: Mr. Akshay Makhija, Sr. Advocate  
with Mr. Imran Moulae, Advocate.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **08.01.2024**

**O.M.P.(I) (COMM.) 430/2023 & I.A. 26331/2023 (FOR INTERIM STAY)**

1. The petition under Section 9 of the Arbitration and Conciliation Act, 1996 has been filed on behalf of the petitioner seeking a restraint against the respondents from creating third party interest in the suit property or from dispossessing the petitioners from the suit property.
2. Learned Senior Counsel on behalf of the respondents submits that he has already given a statement on 22.12.2023 that he shall not dispossess the petitioners without due process of law.
3. The learned Senior Counsel on behalf of the respondents has further submitted that a fresh MOU has entered between the parties on 02.03.2023 whereby they had agreed that the requisite documents for sale shall be executed in next two years.



4. However, learned Senior Counsel on behalf of the respondents that this MOU has been terminated vide Notice dated 05.01.2024. Learned counsel for the petitioners, submits that the letter has not been served upon them. The copy of the Termination Letter has been handed over today in the Court, to the learned counsel for the petitioners.

5. Learned Senior Counsel on behalf of the respondents further submits that either the petitioners abide by the MOU dated 02.03.2023 or the respondent's sale consideration alongwith the interest and the possession, be returned to him.

6. The learned counsel on behalf of the petitioners seeks time of seven days to file the reply and also to consider two proposals which have been given today on behalf of the respondents. Reply be filed within 15 days with copy to the opposite counsel.

7. List before this Court on 28.02.2024.

8. Till then the interim stay as granted vide order dated 22.12.2023 shall continue and the respondents are hereby restrained from dispossessing the petitioners from the suit property without due process of law.

**NEENA BANSAL KRISHNA, J**

**JANUARY 8, 2024/akc**