

15.12.2020
Court No. 19
Item No.25
CP

C.O. 1098 of 2020

Balaka Ghosh & anr.
vs.
Maa Chandi Real Estate Developer & ors.
(via video conference)

Mrs. Pampa Dey Dhabal

....for the petitioners.

The petitioners are plaintiffs in Title Suit No. 1497 of 2018, pending before the learned Civil Judge (Senior Division) at Alipore.

The petitioners are aggrieved by inordinate delay on the part of the learned court below in disposing of the application under Section 8 of the Arbitration and Conciliation Act, 1996. It is the contention of the petitioners that the suit was originally fixed for ex parte hearing on April 8, 2019. Thereafter, the defendant no. 1 filed the written statement beyond time along with a show cause petition. The defendant no. 1 also filed an application under Section 8 of the Arbitration and Conciliation Act, 1996. By order dated April 8, 2019, the application for acceptance of the show cause filed by the defendant no. 1 as to why the suit should not be heard ex parte was accepted and the order fixing the suit for ex parte hearing was vacated upon payment

of cost of Rs.800/-. The belated written statement was accepted. It is the contention of the petitioners that the defendant No.1 was trying to drag the suit by filing frivolous applications. It is further contended that the application under Section 8 of the Arbitration and Conciliation Act, 1996 has not yet been disposed of, although the same has been pending from April 8, 2019.

Several dates had been fixed for hearing of the application under Section 8 of the Arbitration and Conciliation Act, 1996 by the learned court below as it appears from records, but the hearing has not taken place.

Under such circumstances, this revisional application is disposed of with a direction upon the learned court below to hear out the application under Section 8 of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferable within a period of two months from the last date fixed upon giving an opportunity of hearing to all the parties and without granting any unnecessary adjournments. This court has not gone into the merits of the claim and counter-claims of the parties and the learned court below will proceed independently.

The revisional application is, thus, disposed of. There shall be no order as to costs.

The petitioners are directed to serve a copy of this revisional application along with the server copy

of this order upon the opposite parties within a week from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)