

11.01.2021
Court No. 19
Item No.17
CP

C.O. 13 of 2021

Smt. Arati Saha & anr.
vs.
Sri Shimonto Chowdhury

Mr. Prantick Ghosh
Mr. Siddhartha Sarkar

....for the petitioners.

The petitioners are the award holders of an arbitral award dated July 24, 2014. The award debtor filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 which was dismissed on the ground of lack of jurisdiction. Thereafter, an application was filed before this court for setting aside the award which was also dismissed on June 26, 2019. The petitioner put the award into execution on September 22, 2014 which was registered as Arbitration Execution Case No.159 of 2014.

It is submitted by the learned advocate for the petitioner that the award debtor has filed three applications in the execution proceeding, most of which have become infructuous.

This court has not gone into the merits of the claims of the petitioners but the records reveal that the execution case has been pending for a long time.

Under such circumstances, the revisional application is disposed of with a direction upon the

learned Civil Judge (Senior Division), 1st Court at Barasat, North 24 Parganas to dispose of the Arbitration Execution Case No. 159 of 2014 along with all pending applications as expeditiously as possible, preferably within a period of six months from the next date fixed upon affording an opportunity of hearing to all the parties to contest the proceedings.

This court has not gone into the merits of the claims of the petitioners and the learned court below will proceed independently and in accordance with law without being influenced by any observations made hereinabove.

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

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the award debtor/opposite party 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.)