

01 23.2.2021

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)**

**F.M.A.T. 137 of 2021
With
CAN 1 of 2021**

**Sai Land Developer Pvt. Ltd.
Vs.
Sanjay Kumar Kajaria**

**Mr. Tapas Mukherjee
Mr. Amitava Chatterjee
Ms. Joyita Roy For the Petitioner/Appellant.**

**Mr. Jishnu Chowdhury
Mr. Abhijit Sarkar
Mr. Pintu Kaj
Mr. Sanjay Kumar Kajaria For the Respondent.**

As the issue involved is very short, dispensing with all formalities, we are disposing of the appeal.

This appeal from an order dated 12th February, 2021 is against the refusal by the learned court below to pass an injunction restraining the respondent from transferring the subject property to a third party. This order was made on an application under Section 9 of the Arbitration and Conciliation Act, 1996.

S.D. On appeal Mr. Jishnu Chowdhury, learned advocate appearing for the respondent submits that the subject property has been transferred before 12th February, 2021 in favour of a third party.

Therefore, the question of considering the grant of an order of injunction does not arise.

The learned court below by the said order has directed issuance of notice upon the opposite parties to show cause.

We dispose of this appeal (FMAT 137 of 2021) and the application (CAN 1 of 2021) by directing that the application under Section 9 of the Arbitration and Conciliation Act, 1996 before the court below will be considered according to its order dated 12th February, 2021 by extending the date to show cause and the returnable date as it may be felt necessary.

(I.P. Mukerji, J.)

(Md. Nizamuddin, J.)

