

Application No.2634 of 2021
in O.A.No.165 of 2021

N.SATHISH KUMAR,J.

Application No.2634 of 2021 has been filed to vacate the order dated 18.03.2021 passed by this Court in O.A.No.165 of 2021.

2. Original application No.165 of 2021 has been filed for an order of interim injunction restraining the respondent from disposing of, alienating, encumbering the properties described in the schedule to the Judges Summons.

3. By Order dated 18.03.2021, this Court has passed an order of an interim injunction in O.A.No.165 of 2021. It has been extended till now. When the matter was taken up in the last hearing, this Court has posed a query as to whether the respondents have any intention to deal with the property, they informed that they have no intention to deal with the property till the arbitration proceedings. Today, the learned counsel for the respondents has also filed an affidavit in respect to the Serial Nos.1 to 6 of the schedule mentioned properties.

Paragraph 6 of the affidavit reads as follows:

" It is respectfully stated that the subject to charge of the bank already existing the Respondent Comapny shall not sell or alienate the property mentioned at serial No.2,3 and 4 situated at 236B, A.J.C.Bose Road, Kolkata-700020 and

fixed deposits respectively. I state that subject to Charge of the bank I shall also not sell or alienate my undivided share in the property described at serial number 1 & 5."

4. In view of the undertaking given by them, this Court is of the view that interim Order cannot be extended and as far as the contention in paragraph(f) of the affidavit in respect to Serial No. 6 is concerned, it is for the applicant to workout the remedy before the lerned Arbitrator under Section 17 of the Arbitration and Conciliation Act, if any need arise.

5. In such view of the matter, interim order already granted by this Court in O.A.No.165 of 2021 dated 18.03.2021 stands vacated, particularly, in view of the fact that the Arbitrator has been appointed in O.P.Nos. 69 and 70 of 2021.

6. Accoridngly, this application is ordered. Consequently, connected original application is closed.

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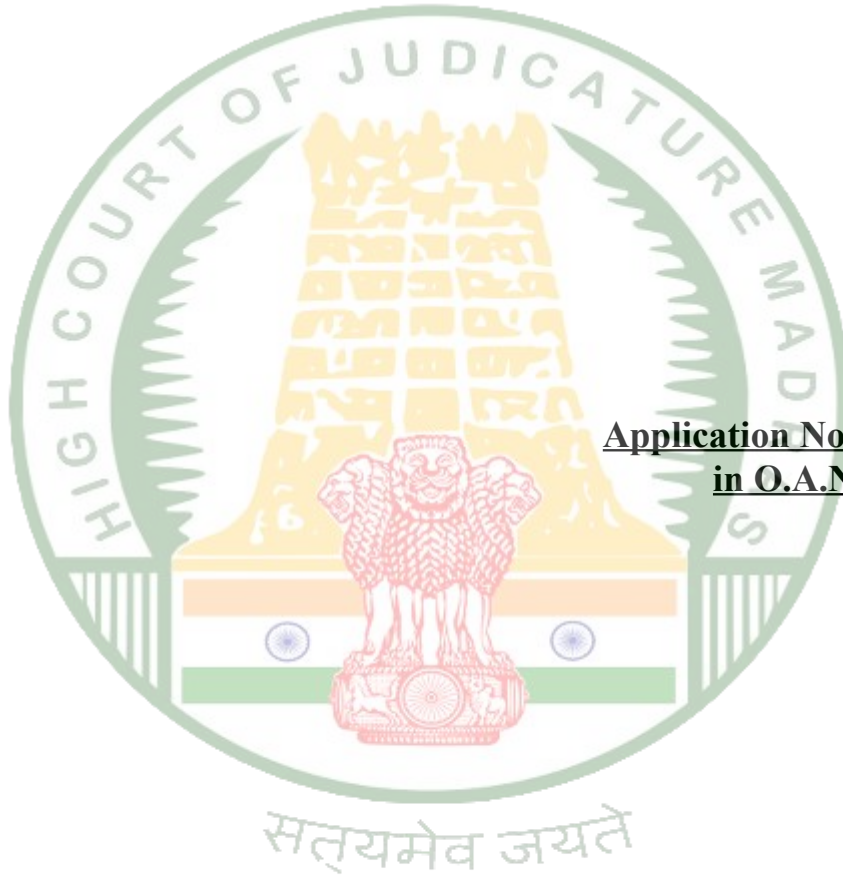
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