

22.03.2022
Item No.27
Ct. No.7
CHC
(disposed of)

**C.O.261 of 2022
(Physical Hearing)**

**Akbar Ali & anr.
Vs.
Zeeshan Haider & ors.**

Syed E. Huda,
Ms. Amrin Khatoon,
Md. Shehabuddin,
Md. Nasim

...for the petitioners

The petitioners have assailed the order dated 21st January, 2022, passed by learned District Judge, Alipore in Misc. Case Arbitration No.56 of 2021, under Section 9 of the Arbitration and Conciliation Act.

Syed E. Huda, learned advocate appearing for the petitioners is fair enough to submit that the petitioners have not been made party as yet, to Section 9 application, wherein the learned court below has passed an order of ad interim injunction.

It is contended by the learned advocate for the petitioners that petitioners are the owners of the suit property, and the order of ad interim injunction has unnecessary put the petitioners to suffer immense hardship. An application under Order 1 Rule 10 C.P.C. for addition of the parties has already been filed by the petitioners, which is awaiting decision by the learned court below.

Besides making addition of the party under Order 1 Rule 10 C.P.C., in the pending case, the petitioners have also sought for certain clarifications of the interim order of injunction, passed in this case.

Upon perusal of the impugned order, it appears that learned court below has fixed date for hearing of application under Order 1 Rule 10 C.P.C. with a direction for service of the application upon the opposite parties. It appears that interim order of injunction has also been extended.

Having considered the submission of learned advocate for the petitioners, it appears that revisional application is premature one for the petitioners to seek for clarification of the interim order of injunction, unless existence of the petitioners are legally established in accordance with law.

When the learned court below has already fixed date for hearing of Order 1 Rule 10 C.P.C, the same may be expedited, preferably either on the date already fixed for the purpose, or if for any reasons whatsoever the same could be taken up, the application under Order 1 Rule 10 C.P.C. may be disposed of peremptorily within three (03) weeks thereafter, providing sufficient opportunities of hearing to either of the parties to this case.

With this direction/observation, the instant revisional application stands disposed of.

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

(Subhasis Dasgupta, J.)