

25.11.2022
SL No.32
Court No.8
(gc)

FMAT 152 of 2015
CAN 1 of 2015 (Old No: CAN 1653 of 2015)

Harbhajan Singh
Vs.
Mahindra & Mahindra Finance Service Ltd.

This matter appeared in the warning list on 16th November, 2022 with a clear indication that the appeal shall be transferred to the daily list on 21st November, 2022.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant, although, the appellant has sufficient knowledge and notice of the listing of this matter. This appeal was filed in or around February, 2015 but since then no attempt has been made to move this appeal or the connected application. The defect indicated by the Additional Stamp Reporter on 25th February, 2015 has not yet been removed.

We also otherwise find no reason to interfere with the order of refusal to pass interim order as prima facie it appears that the dispute is covered by the arbitration clause in the hire purchase agreement by reason whereof the jurisdiction of the Civil Court is clearly barred.

The appeal and the application, accordingly, stand dismissed on merits and also for failure to put in the deficit court fees.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)