

24.06.2022
Item No.7
Ct. No.7
CHC
(disposed of)

C.O.1216 of 2022

Md. Shamim
Vs.
Md. Wasim & ors.

Mr. Abhijit Ray,
Mr. Shubham Gupta,
Ms. Tania Sen

...for the petitioner

Mr. Prabal Kr. Mukherjee, ld. Senior Advocate
Mr. Tarak Nath Halder

...for the o.p. nos.1 and 2

Mr. Prabal Kr. Mukherjee, learned Senior Advocate
appearing for the opposite party nos.1 and 2 is
present.

The subject-matter of challenge is against an order
dated 20th April, 2022, passed by learned Judge, 9th
Bench, City Civil Court, Calcutta, in Misc. Case
No.1883 of 2021, under Section 9 of Arbitration and
Conciliation Act.

Admittedly, petitioner has been suffering ad
interim order of injunction. Opposite parties filed
Section 9 application under Arbitration and
Conciliation Act. At the instance of the opposite
parties, the referred Misc. Case under Section 9 of the
Arbitration and Conciliation Act was registered. The
opposite parties were favoured with an ad interim

order of injunction. For the implementation of ad interim order of injunction, an application under Section 151 C.P.C. was filed praying for police assistance so that there may be effective implementation of the order granting ad interim order of injunction.

Being aggrieved by the order of ad interim injunction till such time, neither any appeal has been preferred, nor any vacating application before the court below has been taken out.

Mr. Ray, learned advocate appearing for the petitioner submits that without any justified reasons, the petitioner has been made to suffer injunction in Misc. Case under Section 9 of the Arbitration and Conciliation Act. There is some stipulation in the Act itself so as to ensure expeditious disposal of the referred Misc. Case.

The dispute that has surfaced is relatable to a pending proceeding under Section 9 of the Arbitration and Conciliation Act.

As per submission disclosed by both the parties, the controversy relatable to Section 9 of the Arbitration and Conciliation Act may be put an end by expediting the pending Misc. Case under Section 9 of the Arbitration and Conciliation Act.

Learned advocate for the petitioner assures this Court that a direction may be there to ensure

expeditious disposal of pending Misc. Case giving him liberty to file objection against the injunction application as well as the main application under Section 9 of the Arbitration and Conciliation Act within seven (07) days from the date of communication of this order before the court below, which is, however, not opposed by Mr. Mukherjee, learned Senior Advocate in the interest of ensuring expeditious disposal of pending Misc. Case.

The revisional application is thus disposed of directing the court below to ensure expeditious disposal of Misc. Case No.1883 of 2021, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, an opportunity to file objection, as proposed by the learned advocate for the petitioner, mentioned hereinabove, may be given within the period mentioned hereinabove.

This order is passed without entering into the merits of the case, and without prejudice to the rights and contentions of the parties.

Petitioner is given liberty to raise all such points as raised in the revisional application before the court below at the time of final hearing of Section 9 application under Arbitration and Conciliation Act.

With this observation/direction, the 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.)