

S/L 28
24.6.2022
Court. No. 19
sn

WPA 10201 of 2022

Wadi Seikh
Vs.
The State of West Bengal & Ors.

Md. Jamaluddin Ahmed ..for the petitioner

Ms. Soni Ojha
Ms. S.B. Chatterjee ..for the respdt.4

This petitioner prays for a direction upon the police authorities to restrain the respondent no.4, i.e., the financier, from taking possession of a JCB machine, which has been hypothecated, to the respondent no.4.

The learned advocate for the respondent no.4 submits that the JCB machine is in possession of the petitioner. That the petitioner is a defaulter. Considerable, amount is due and payable. The hire purchase agreement contains an arbitration clause. Thus, this Court should not intervene.

Heard the rival contentions of the parties. This Court is of the view that, in effect, the petitioner is praying for an order of injunction. Such order cannot be passed by this Court. The petitioner is at liberty to approach the appropriate forum for preventive and protective order, under the relevant law.

The offer of the petitioner to go for a one time settlement, is not decided. The same shall be decided

by the respondent no.4, in case the petitioner makes such offer.

The writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)