

20.06.2022
Ct. No.18
Item No.29
AJ.

C.O. 2326 of 2018

I.A. No.: CAN 1 of 2018 (CAN 5643 of 2018)

**Abdul Kasim Fazle Haque
-Vs-
Dipak Chakraborty & Anr.**

Mr. Sambhunath Roy,
Mr. Rameshwar Sinha.
... for the petitioner.

Mr. Tanoy Chakraborty,
Mr. Chhandak Dutta.
... for the opposite party no.2.

In Re: **CAN 1 of 2018 (CAN 5643 of 2018)**

The application although is appearing in the list but it is not in file. Mr. Roy, learned advocate for the petitioner files a copy of the said application, which is taken on record and be treated as original.

This is an application praying leave to correct cause title of the revisional application as in the said cause title the opposite party no.2 has been wrongly described as M/s. Godwad Mercandise (P) Limited instead of M/s. Pop Merchants (P) Ltd.

Leave, as prayed for is granted.

CAN 1 of 2018 (CAN 5643 of 2018) is, thus, disposed of without any order as to costs.

In Re: **C.O. 2326 of 2018**

The revisional application under Article 227 of the Constitution of India is directed against an order dated July 03, 2018 passed by the learned Additional District Judge 5th Fast Track Court, Alipore, South 24-Parganas in Misc. Case No. 2 of 2015.

The petitioner has suffered an award in an arbitration proceeding and for setting aside of the said award, had filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 registered as Misc. Case No. 27 of 2004. The said misc. case got dismissed for default, the petitioner for restoration of it filed an application along with an application for condonation of delay being Misc. Case No. 2 of 2015.

The petitioner in the said Misc. Case filed an application for stay of the execution case levied to execute the said award.

The Court below, by the order impugned being order dated July 03, 2018 has refused the said prayer of the petitioner on the ground that unless the said delay in filing the said Misc. case is condoned, the petitioner is not entitled to the said prayer.

This Court does not find any illegality and/or infirmity in the order impugned.

Mr. Roy however prays for a direction upon the Court below for expeditious disposal of the said Misc. case and the application thereto.

C.O. 2326 of 2018 is disposed of by requesting the learned Additional District Judge, 5th Fast Track Court, Alipore, District 24-Parganas (South) to dispose of the Misc. Case 2 of 2015 and the application for condonation of delay thereto as expeditiously as possible in accordance with law, preferably within a period of three available effective working months of the said Court from the date of communication of this order and in doing so shall not entertain prayer of the parties for any unnecessary adjournment.

C.O. 2326 of 2018 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)