

17.11.2022.
Court No.13
Item No. 322
pk

W.P.A. No. 18364 of 2021

**Mst. Sabera Begum
Versus
The State of West Bengal & Ors.**

Md. Jamaluddin Ahmed

...For the petitioner.

Mr. Subhankar Chakraborty

... for the private respondent no. 4.

The writ petitioner is aggrieved that the respondent no. 4 has forcibly taken possession of her vehicle under hire purchase agreement. The petitioner submits that she is willing to repay all EMIs under the hire purchase agreement and prays for an order restraining the bank from putting up the vehicle for sale.

Counsel for the bank submits that the proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 is pending before the City Civil Court, Calcutta and arbitration is also pending.

The remedy of the petitioner is either pending in the arbitration proceeding under Section 17 of the said Act of 1996 or before the Court where the proceedings under Section 9 are pending.

No relief can be granted to the petitioner in the instant proceeding.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)