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7.09.2022

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

C.O. 2631 of 2022

Nirman Construction and Ors.

Vs.

Ratan Kumar Bhattacharya and Ors.

**Mr. Siva Prasad Ghose
Ms. Debjani Ghosh Roy (Deb) ... For the Petitioner.**

Learned Advocate for the petitioner is present.

Heard learned Advocate for the petitioner. The petitioner has moved this application for direction upon the learned Civil Judge (Junior Division), 2nd Court at Barrackpure, North 24-parganas to dispose of the application under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure in Title Suit No. 134 of 2014. Learned Advocate for the petitioner submits that the plaintiff/respondents filed a suit before the learned Trial Court suppressing the arbitration clause and obtained an ex parte order of injunction on 29.3.2022. Learned Advocate submits that his client is suffering the ex parte order of injunction and an application under Section 8 of the Arbitration and Conciliation Act is also filed before the learned Court below.

S.G.

Upon hearing the learned Advocate and

considering the facts of the case this Court is of the view that no fruitful purpose will be served by issuing notice on the respondent/opposite party. Thus, this application be disposed of.

Learned Civil Judge (Junior Division), 2nd Court at Barrackpore, North 24-parganas is requested to dispose of the application for temporary injunction under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure in Title Suit no. 134 of 2014 within one week after vacation. As because no such prayer with regard to application under Section 8 of the Arbitration and Conciliation Act is made by the petitioner, no specific direction is issued in this regard but however, learned Judge may consider the same in accordance with law.

This application is disposed of.

(Biswaroop Chowdhury, J.)

