

ODC 12

ORDER SHEET
AP/519/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

JAFAR SK.
VS
SUNDARAM FINANCE LTD.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 8th September, 2022.

Appearance:
Mr. Priyankar Saha, Adv.
...for the petitioner

Mr. Arif Ali, Adv.
Ms. Ankita Singh, Adv.
...for the respondent

The Court: Affidavit-in-opposition filed in Court be taken on record.

This is an application made by the petitioner who is the owner of the vehicle that had been financed by the respondent company. It appears that arbitration proceedings have been initiated by the finance company and the same is taking place in Chennai.

Counsel appearing on behalf of the petitioner has submitted that a sum of Rs.1,61,778/- is due. Counsel appearing on behalf of the respondent submits that the amount submitted by counsel on behalf of the petitioner is not correct and the same is in excess of Rs.3 lakhs. He further submits that this Court has no jurisdiction to take up the Section 9 matter.

In my view, since the arbitration proceedings have commenced, the petitioner should make his submission before the Tribunal and make appropriate application therein.

Counsel appearing on behalf of the respondent is directed to hand over the pleadings and the orders passed in the arbitration proceedings so far to the counsel appearing on behalf of the petitioner within a week.

Accordingly, AP/519/2022 is disposed of.

(SHEKHAR B. SARAF, J.)