

ODC 7

ORDER SHEET
AP/662/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LIMITED
VS
TIRUPATI BALAJI CARGO CARRIER AND ANR.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 22nd November, 2022.

Appearance:

Mr. Swatarup Banerjee, Adv.

Ms. Shrayshee Das, Adv.

Mr. Jishnujit Roy, Adv.

Mr. Priyankar Saha, Adv.

Mr. Lalratan Mandal, Adv.

The Court: Heard counsel appearing on behalf of the parties.

Parties have consented to an order passed by this Court with regard to payment of a certain amount by the respondent to the petitioner every month for the vehicle that is hypothecated. Furthermore, they have agreed that they shall go into arbitration in Kolkata.

Parties have specifically waived their right to go to arbitration in Chennai and have submitted that this point shall not be taken up before the Arbitrator as both parties have consented to the same.

In light of the above, the respondent is directed to deposit a sum of Rs.30,000/- every month to the petitioner. Furthermore, the respondent shall

withdraw the Civil Suit filed at the City Civil Court within a period of seven days from date. The petitioner shall also withdraw any application that has been filed by him within a period of seven days along with the respondent.

By consent of the parties on the Arbitrator to be appointed, I appoint Mr. Anuj Singh, Advocate, Bar Library Club, as the sole Arbitrator to resolve the disputes between the parties. The appointment is subject to submission of declaration by the Arbitrator in terms of Section 12(1) in the form prescribed in the Sixth Schedule of the Act before the Registrar, Original Side of this Court within four weeks from today.

Let this order be conveyed to the Arbitrator by the Registrar, Original Side forthwith.

I make it clear that the above mentioned payment is made by the respondent without prejudice to the rights and contentions of both the parties.

The parties shall be at liberty to file appropriate Section 17 application before the Arbitrator and the above payment of Rs.30,000/- shall continue until further orders by the learned Arbitrator.

In light of the above order passed AP 662 of 2022 is disposed of.

(SHEKHAR B. SARAF, J.)

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