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ORDER SHEET
AP/706/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

MRS NAJMA AHMED
VS
AZHAR SHOKUR AHMED AND ORS.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 3rd November, 2022.

Appearance:
Mr. Debnath Ghosh, Adv.
Mr. Biswaroop Mukherjee, Adv.
Mr. Soumava Mukherjee, Adv.
...for the petitioner

Mr. Tarique Quasimuddin, Adv.
Mr. Abbas Ibrahim Khan, Adv.
...for the respondent no.1

The Court: This is a Section 9 application wherein prayers have been made for injunction the respondent no.1 from alienating and/or selling in any manner Flat Nos.7A, 7B and 7C on the 7th Floor of the building, namely, Shakespeare Court at 21A, Shakespeare Sarani, Kolkata – 700017, which is the subject matter of the arbitration. It appears that a suit had been filed by the petitioner herein which has been dismissed for default. An application for restoration of the said suit is also pending. The petitioner submits that they are no longer interested in proceeding with the suit and are agreeable to proceed with the arbitration. In fact, they are agreeable to proceed with the named Arbitrator in the MOU. This

submission of the petitioner is accepted by the respondent no.1 and they are also willing to proceed with the arbitration.

In light of the above submissions, the named Arbitrator in the MOU being Mr. Anirban Kar, Advocate, is appointed as a Sole Arbitrator to adjudicate 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.

The parties shall be at liberty to move the applications before the Arbitrator in terms of Section 17 of the Act. In the meantime, prayer (a) of the Notice of Motion is granted which shall continue for a period of twelve weeks from date or until further orders passed by the Arbitrator whichever is earlier. It is to be further noted that tenants have been inducted in Flat Nos.7A and 7B (submitted by counsel appearing on behalf of the respondent no.1).

AP/706/2022 is, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)