

20.09.2023.
Item No. 1.
Court No. 13
ap

F.M.A. No. 569 of 1972
With
I.A. No. CAN 1 of 2002 (Old CAN 6525 of 2002)
And
I.A. No. CAN 2 of 2023

Satyanarayan Agarwalla & Ors.
Versus
Nathmal Agarwalla & Ors.

Mr. Amal Krishna Saha,
Mr. Pradip Sancheti,
Mr. Biswajit Chowdhury.

...For the appellants.

1. This appeal arises out of an interim order appointing a Receiver passed by the learned Subordinate Judge at Asansol in Title Suit No. 104 of 1963.
2. This Court had stayed the impugned order and also the suit when the appeal was admitted.
3. Subsequent thereto the parties entered into an Arbitration Agreement on 10th August, 2008. The disputes and differences referred to a Sole Arbitrator, namely, one Nav Ratan Goenka, who pronounced the Award on 31st October, 2010.
4. By the said Award, all the disputes and differences between the appellants and the respondents being the plaintiffs and the defendants in the suit in Title Suit No. 104 of 1963 came to be amicably settled.
5. The Award has been annexed to CAN 2 of 2023 and a copy of CAN 2 of 2023 has been obtained from the

learned Counsel for the appellants, which is kept with the record.

6. In view of the above, this Court is of the view that nothing further remains to be adjudicated in F.M.A. No. 569 of 1972 and the same shall stand disposed of.

7. The impugned order shall stand vacated. Title Suit No. 104 of 1963 shall stand disposed of in terms of the aforesaid Award dated 31st October, 2010.

8. In view of the above, all the pending applications are disposed of.

9. Let the LCR of the instant case be sent back to the Court below as expeditiously as possible.

10. 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.)

(Supratim Bhattacharya, J.)