

05.12.2023
Sl. No.6(DL)
srm

C.O. No. 3422 of 2023

Devarshi Realcon Pvt. Ltd. & Ors.

Versus

M/s. Unnati Holdings LLP & Ors.

Mr. Sarajit Sen,
Mr. Tapas Singha Roy

...for the Petitioners.

Despite service, none appears on behalf of the opposite parties. Further service to the opposite parties is not required.

The petitioners are aggrieved by the repeated adjournments granted by the learned Civil Judge (Senior Division), Sealdah, in Title Suit No.89 of 2023.

The petitioners contend that the suit is not maintainable as there is an arbitration clause in the agreement between the parties. On such ground, an application under Sections 5 and 8 of the Arbitration and Conciliation Act, 1996, has been filed in the learned court below, which is pending disposal.

Although the petitioners pray that this Court may pass an order relegating the proceeding to arbitration, this Court is of the opinion that the pending application under Sections 5 and 8 of the said Act, which has been filed before the learned civil court, should be disposed of expeditiously.

An order of expeditious disposal of the said application shall not cause any prejudice to the opposite parties.

The application should be disposed of within three months from the next date fixed.

If the concerned court is lying vacant, the charge court will decide the matter. However, it is made clear that the application should be disposed of within the time period mentioned hereinabove.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)