

05.12.2023
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as

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

FMAT (ARBAWARD) 46 of 2023
with
CAN 1 of 2023
With
CAN 2 of 2023

Dr. Nitin Naik
Vs.
Babu Nanda Mishra & Ors.

Mr. Amit Sinha,
Mr. Bikash Singha.
...for the Appellant.

Dr. Navin Barik,
Ms. Esha Acharya.
...for the Respondents.

1. Appellant had assailed an order passed by the learned District Judge refusing to interfere with the jurisdiction of the Arbitrator who had been unilaterally appointed by the respondents.

2. Without prejudice to his contentions in the appeal, learned Advocate for the respondents submits his client has taken an application under Section 11 of the Arbitration Act for appointment of another Arbitrator.

3. In view of the subsequent development, nothing survives in the present appeal.

4. Appeal is accordingly disposed of by giving liberty to the parties to pursue the application under Section 11 of the Arbitration Act in accordance with law.

5. In view of the above, both the applications being CAN 1 of 2023 and 2 of 2023 are also disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)