

OD-17

ORDER SHEET

AP/9/2020

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

PRASANTA MAJUMDER
Versus
APARNA BHATTACHARJEE AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 25th July, 2023.

Appearance:

*Mr. Sutanu Chakrabarti, Adv.
..for the petitioner*

*Mr. Pranit Bag, Adv.
Mr. Anuj Kr. Mishra, Adv.
Mr. Rhiddhiman Mukherjee, Adv.
Mr. Rishabh Dutta Gupta, Adv.
..for the respondent no.1*

The Court: The petitioner admittedly invoked the arbitration clause by way of the notice sent under Section 21 of the 1996 Act on 11th June, 2018 in terms of an agreement dated 23rd June, 2014. Although the letter was addressed to the respondent no.1, the respondent no.1 is not a party to the agreement dated 23rd June, 2014 which was entered into between the petitioner and the respondent nos. 2 and 3. There is a separate agreement governing the relationship between the petitioner and the respondent no.1 and that is of 23rd June, 2013.

The advocate-on-record for the petitioner takes the above stand and submits that 2014 is a typographical error since the petitioner wanted to mention the agreement dated 23rd June, 2013.

Since learned counsel appearing for the respondent no.1 has taken a preliminary objection with regard to maintainability of the present application on the ground that the respondent no.1 is not a party to the agreement which has been invoked in the notice dated 11th June, 2018, the petitioner is given leave to withdraw the present application and file afresh.

AP/9/2020 is accordingly dismissed as withdrawn with liberty to file afresh.

The original agreements of 2013 and 2014 which were earlier impounded for assessment of stamp duty may be returned to the advocate-on-record for the petitioner.

(MOUSHUMI BHATTACHARYA, J.)