

1 24.5.2024

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**F.M.A.T. 143 of 2024
With
CAN 1 of 2024**

Cholamandalam Investment and Finance Company Ltd.

**Vs.
Sujan Seikh & Ors.**

**Mr. Pijush Biswas
Ms. Moumita Das
Mr. S. Bose**

... For the Appellant.

Ms. Gitashree Mistry For the Respondent.

Re: CAN 1 of 2024

This is an appeal from an order in an application under Section 9 of the Arbitration and Conciliation Act, 1996 made by the learned court below returning the petition to be filed before the appropriate court.

The appellant/petitioner being the financier wanted some protective orders with regard to the hypothecated vehicle.

Whilst this appeal was pending admission in this court, a final award has been passed.

S.D.

Now, this award has been challenged by the borrower in a Section 34 application, which is pending before the learned Chief Judge, City Civil Court. The result is that there is a final award. Any right to obtain an

interim order has now become irrelevant once the final award has been passed.

In those circumstances, we have heard out the appeal dispensing with all formalities.

We dispose of it by observing that the appeal has now become infructuous.

However, we preserve any right, which is vested in the appellant to obtain any post award order before the appropriate jurisdiction.

All points are kept open.

The appeal (FMAT 143 of 2024) and the connected application (CAN 1 of 2024) are disposed of by this order.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

