

27.08.2024
Item No.24,
DL, Ct.19
A.J.

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

C.O. 3027 of 2024

Sankalpa Nirman Private Limited

-Vs-

Sri Monotosh Das & Anr.

Mr. Amales Ray,
Mr. Amon Gupta,
Mr. Ishan Bhattacharya..for the petitioner.

The plaintiff in a suit for specific performance of agreement and other consequential reliefs is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against Order No.11 dated May 15, 2024 passed by the 3rd Court of the learned Civil Judge (Senior Division), District : 24-Parganas (North) in the said suit being *Title Suit No. 34 of 2015*.

The defendant nos.10 to 14 had filed an application under Section 8 of the Arbitration and Conciliation Act, 1996. The learned Trial Judge by the order impugned has allowed it.

Mr. Ray, learned Counsel for the petitioner, referring to the judgment of the Hon'ble Supreme Court in the case of **VIDYA DROLIA & ORS. vs. DURGA TRADING CORPORATION** reported in **(2021) 2 Supreme Court Cases 1** submits that the applicants of the said application, not being a party to the agreement, are not entitled to take out such an application.

The applicants are claiming through the owner of the suit property, a party to the agreement, therefore are entitled to maintain an application under

Section 8 of the said Act of 1996. The judgment of the Hon'ble Supreme Court relied on by the petitioner is misplaced in the facts and circumstances of the present case.

The order impugned, therefore does not call for any interference.

C.O. 3027 of 2024 is thus dismissed without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)