

11.01.2024
Item No.9
TR

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction
Appellate Side

CO/3/2024

SUKUMAR GHOSH AND ORS.
VS
SANCHAYITA GHOSH AND ORS.

Mr. Abhilash Mittal,
...for the petitioner.

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

When the matter was taken up on 09.01.2024, after hearing the argument of the learned counsel for the petitioner, learned counsel for the respondent has represented that since the order was passed under Section 8 of the Arbitration and Conciliation Act, 1996, the order is an appealable one as per Section 37(1)(a). Therefore, he prayed this Court to direct the petitioner to file an appeal only, when this question was posted to the learned counsel for the petitioner, he seeks adjournment. Accordingly, the matter was directed to post today.

When the matter was taken up today, learned counsel for the petitioner represented that since the order passed by the Court below under Section 8 is an appealable as per Section 37(1)(a), opportunity

may be given to him to file an appeal before the appellate Court. Accordingly, he prayed this Court to permit him to withdraw this petition and file an appeal against the said order passed by the Court below.

This Court, permits the petitioner to withdraw CO/3/2024. Accordingly, CO/3/2024 is dismissed as withdrawn with liberty to file appeal.

The learned counsel for the respondent has represented that because of pendency of this CO/3/2024 and the appeal to be filed by the petitioner, he prayed this Court to direct the lower Court to proceed with the injunction application since no prejudice would be caused to both parties.

Therefore,, the Court below is directed to proceed with the injunction application and dispose of the same on merits.

(M. V. MURALIDARAN, J.)