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AP /101/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

TATHAGATA MULLICK AND ANR.
VS
ANNESHAN MUKHERJEE

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 04th November, 2024.

Appearance:
Mr. Jayanta Sengupta, Adv.
Mr. Shebatee Datta, Adv.
. . .for the respondent.

The Court: None appears in support of this application.

Mr. Jayanta Sengupta learned advocate appearing for the respondent submits that the application is not maintainable.

This is an application for an order allowing amendment of the statement of defence and for stay of the arbitration proceeding. In the, prima facie, opinion of the Court, the order passed by the learned Arbitrator dated 8th April, 2024 by which the prayer for amendment of the statement of defence was refused, cannot be challenged in such a manner. Thus, the question of stay of the arbitration proceeding also does not arise. The petitioner is at liberty to take this point at the appropriate stage under Section 34 of the Arbitration and Conciliation Act, if the situation so arises. In any event, as the petitioner is not represented, the matter is dismissed for default.

(SHAMPA SARKAR, J.)