

OD-45

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

AP/723/2023
SABINA YASMIN
VS
HUMAYUN KABIR MONDAL

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 29th April, 2024.

Appearance:
Mr. Avijit Chakraborty, Adv.

Mr. Manas Kumar Das, Adv.
Mr. Aritra Kumar Thokdas, Adv.

The Court: This is an application under Section 11 of the Arbitration & Conciliation Act, 1996.

Briefly, the disputes between the parties arise out of a Deed of partnership agreement dated 1 July, 1997.

It is submitted on behalf of the petitioner that by the partnership deed, the petitioner's husband and his brother being the respondent no.1 were carrying on business under the name and style of M/s. MCO (India). However, after the death of the petitioner, the respondent no.1 has failed to give any accounts nor furnish any details in respect of the partnership firm. In such view of the matter, the petitioner was compelled to invoke the arbitration clause and issue a notice dated 9 March, 2023 under Section 21 of the Arbitration & Conciliation Act, 1996.

There is also a suit filed before the District Court at Howrah by and between the parties.

Both parties agree that there are live disputes between the parties and the same are covered under the arbitration clause.

Clause 20 of the partnership deed is as follows :

“20. ARBITRATION

That in the event of any dispute between the partners with regard to any thing related to the partnership business, the matter shall be referred to arbitration under provisions of the Indian Arbitration Act or any other statutory modification in force of the time being shall applying.”

In view of the fact that, there are live disputes between the parties arising out of the arbitration agreement dated 28 November, 2019 which are also covered by the arbitration clause, AP 723 of 2023 stands disposed of by appointing Mr. Amitabha Ghosh, Advocate and a member of Bar Library subject to the Arbitrator communicating his consent to the Registrar, Original Side of this Court within three weeks from date.

The Advocate on Record of the petitioner shall communicate this order to the Learned Arbitrator forthwith and positively within 10 days from the date of passing of this order.

With the aforesaid directions, AP/723/2023 stands disposed of.

(RAVI KRISHAN KAPUR, J.)