

29.04.2025
Item No. 4.
Court No.37.
AB
(Bench ID 266301)

**F.M.A. 236 of 2025
With
CAN 1 of 2025**

**Smt. Dipali Basak
Vs
Smt. Anjali Nandy**

Mr. Debnath Ganguly,
Mr. Tanmoy Kr. Dey,
Ms. Rajarshi Mitra,
Ms. Nayonika Chakrabortyfor the Appellant.

Ms. Alotriya Mukherjee,
Mr. Ankit Agarwalafor the Respondent.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against an order of the learned Trial Court referring the parties to arbitration under Section 8 of the Arbitration & Conciliation Act, 1996.
2. Learned Advocate for the respondent takes a preliminary point of maintainability of the appeal. She is right. The appeal is not maintainable under Section 37 of the 1996 Act. It is only an order refusing to refer the parties to arbitration under Section 8, which has been made appealable.
3. At this juncture, learned Advocate for the appellant seeks leave to withdraw this appeal, with liberty to pursue any other remedy that may be available to the appellant in law.
4. Such leave is granted.

5. The appeal and the connected application are dismissed.
6. This will not prevent the appellant from taking recourse to any other remedy that may be available to her under the law.
7. Let the certified copy of the order of the learned Trial Court be returned to the learned Advocate on record for the appellant upon a photocopy of the same being furnished for being kept on record.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)