

11.09.2025
Item No. 11.
Court No.37.
AB
(Bench ID 266311)

**FMA 1322 of 2025
With
CAN 1 of 2025**

**Selim Sekh
Vs
HDFC Bank Ltd.**

Md. Mokaram Hossain,
Mr. Mizanur Rahamanfor the Appellant.

Ms. Soni Ojhafor the Respondent.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against an order dated January 30, 2025, passed by learned Judge, 10th Bench, City Civil Court at Calcutta, on an application filed by the respondent herein under Sections 5 & 8 of the Arbitration and Conciliation Act, 1996, for reference of the disputes between the parties to arbitration by staying the suit that has been filed by the appellant herein. By the order impugned, the application of the respondent/bank has been allowed.
2. An order allowing an application under Section 8 of the Arbitration and Conciliation Act, 1996 is not appealable as would be evident from the provisions of Section 37 of the 1996 Act.
3. Hence, as requested by learned advocate for the appellant, we permit the appellant to withdraw

this appeal with liberty to approach the appropriate forum.

4. FMA 1322 of 2025 is dismissed along with the connected application.
5. Let the certified copy of the order impugned be returned to learned advocate on record for the appellant upon a true copy of the said order being furnished for being kept with the records.
6. 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.)