

21.02.2025.
Item No. 12.
Court No. 13
ap

F.M.A.T. No. 79 of 2024
With
I.A. No. CAN 1 of 2024
And
I.A. No. CAN 2 of 2025

Sri Tarapada Das & Anr.
Versus
IndusInd Bank Limited

Mr. Murari Chakraborty.

...For the appellants.

Re: CAN 1 of 2024 (Condonation of delay)

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 27 days in filing the instant appeal.
2. Having heard the learned Advocate appearing on behalf of the appellants as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 27 days in preferring the appeal.
3. In view of the above, the application for condonation of delay being CAN 1 of 2024 is allowed and disposed of.
4. There will be no order as to costs.

Re: FMAT 79 of 2024

5. Despite service of notice, the respondent is not represented. Affidavit-of-service filed in Court today be taken on record.
6. The appellants, who are the respondents in an application under Section 9 of the Arbitration and

Conciliation Act, 1996, are aggrieved that while dismissing the application under Section 9 filed by the claimant and vacating the interim order and discharging the Receiver, the learned VIIIth Bench of City Civil Court at Calcutta has not directed return of the vehicle seized by the Receiver.

7. The vehicle in question is a Truck bearing Registration No. WB-23E/7061 bearing Engine No. JBEZ422344 and Chassis No. MB1A2GCDOJRBY3401.

8. In view of the above, this Court is of the view that the appellants have made out a case for serious omission by the Trial Court.

9. In that view of the matter, FMAT 79 of 2024 is allowed directing the Receiver and the claimant IndusInd Bank Limited to return the aforesaid vehicle bearing Registration No. WB-23E/7061 to the appellants within a period of three weeks from the date of communication of a copy of this order.

10. In view of the disposal of the appeal itself, the connected application being CAN 2 of 2025 shall also stand disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

