

M/L - 180
20.01.2025
Court. No. 5
S.Kundu

C.O. 1690 of 2024

Sundaram Finance Limited
Vs.
Sushanta Karar

Ms. Ankita Singh,
Ms. S. Rawat

...for the petitioner.

1. The present revisional application has been filed *inter alia*, praying for expeditious disposal of the application filed under Section 8 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the “said Act”), on 18th September, 2023, in Title Suit No. 132 of 2023.
2. The petitioner would submit that there is a valid and subsisting arbitration agreement between the parties and as such the learned Court ought to have taken up such application at the earliest. By referring to the order sheet he would submit that the application under Section 8 of the said Act has been filed on 18th September, 2023. By keeping such application pending, the interim order passed in this case is being extended from time to time. Although, five several dates had been fixed for hearing of the above application between 18th September, 2023 and 28th March, 2024, the application under Section 8 of the

said Act has only been adjourned. He would submit that as of today the application under Section 8 of the said Act is yet to be disposed of.

3. Considering the nature of relief sought for, the present revisional application has been taken up for consideration without prior service of notice to the opposite party. Taking note of the fact that an application under Section 8 of the said Act has been filed in a pending suit, I am of the view that the learned Judge ought to have taken up the hearing of such application filed under Section 8 of the said Act and ought to have disposed of the same before proceeding further in the matter.
4. In view thereof, I direct the learned 13th Bench, City Civil Court, Calcutta to hear out and dispose of the application filed under Section 8 of the said Act, as expeditiously as possible preferably within a period of twelve weeks from the date of communication of this order.
5. The petitioner is directed to serve a copy of the aforesaid revisional application along with this order on the opposite party and intimate the factum of service on the opposite party before the learned Trial Court.
6. With the above observations and directions, the revisional application is disposed of.

7. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)