

D/L- 20
08/08/2025
Ct. No.-6
Aritra

C.O. 2834 of 2025

Kiran Kumari Sancheti & Ors.
Vs.
Sumermal Pugalia

Mr. Pradip Sancheti (in person)
Mr. Biswajit Chowdhury
Mr. Jatan Monga

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the award holder and is directed against an order dated July 5, 2025 passed by the learned Additional District Judge, 1st Court at Alipore in Miscellaneous Case No.746 of 2016.

The petitioner No.3 appearing in person submits that challenging the arbitration award which was passed sometimes in the year 2007, the opposite party filed an application under Section 34 of the Arbitration of Conciliation Act, 1996 and the said application which was registered as Miscellaneous Case No.746 of 2016 was dismissed on contest by an order dated April 4, 2023 upon holding that the same is barred by the laws of limitation. Thereafter, the opposite party filed an application under Section 151 of the Code of Civil Procedure. The petitioner No.3 appearing in person submits that such an application was filed on April 24, 2023 and by an order being No.42 the next date was fixed on July 5, 2025. He further submits that for long two

years the said application under Section 151 of the Code of Civil Procedure was kept pending. He draws the attention of the Court to the order No.43 dated July 5, 2025 whereby it has been recorded that the record of the miscellaneous case has been traced out on that date itself and the learned trial judge had fixed the hearing of the application under Section 151 of the Code of Civil Procedure on August 18, 2025.

The petitioner No.3 appearing in person submits that the application under Section 151 of the Code of Civil Procedure is also not maintainable against the rejection of an application under Section 34 of the Arbitration and Conciliation Act, 1996.

However, since the application under Section 151 of the Code of Civil Procedure is fixed for hearing on August 18, 2025, this Court refrains from making any observation with regard to such submission and leaves it open to the learned trial judge to decide the same in accordance with law after giving a reasonable opportunity of hearing to the respective parties.

In view of the order sought and proposed to be passed this Court feels that there is no necessity to direct issuance of any notice upon the opposite party. However, the learned advocate for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or his learned advocates

representing the opposite party before the learned Additional District Judge.

CO 2834 of 2025 stands disposed of by requesting the learned Additional District Judge, 1st Court at Alipore to take up the hearing of the application Section 151 of the Code of Civil Procedure on the next date fixed i.e. on August 18, 2025 and to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)