

D/L- 21
27/02/2025
Ct. No.-6
Aritra

C.O. 4404 of 2024

**Shibaji Naskar & Ors.
Versus
Manab Paul**

Mr. Probal Kr. Mukherjee, Sr. Adv.
Mr. Shourjyo Mukherjee
Mr. Sourojit Dasgupta
Mr. Vishwarup Acharyya
...for the petitioners

The order dated December 12, 2024 passed by the learned Civil Judge (Sr. Div.), 5th Court, Alipore in Title Suit No.324 of 2020 is under challenge at the instance of the defendant No.1 in a suit for specific performance of contract and for other consequential reliefs.

It appears from the order impugned that an arbitrator has already been appointed by this Hon'ble Court to adjudicate upon the disputes between the parties to the suit.

Mr. Mukherjee learned Senior advocate appearing for the petitioner submits that nothing remains to be decided in the application under Section 8 of the Arbitration and Conciliation Act, 1996, in view of the subsequent events which took place during the pendency of such application.

In view of the order sought and proposed to be passed there is no necessity to direct issuance of any notice upon the opposite party. However, the learned

advocate on record of the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or the learned advocate representing him before the learned Trial Judge.

However, considering the fact that the application under Section 8 of the Arbitration and Conciliation Act, 1996 is pending, CO 4404 of 2024 is disposed of by requesting the learned Civil Judge (Sr. Div.), 5th Court, Alipore to take up the hearing of the application under Section 8 of the 1996 Act on the next date fixed i.e., on March 5, 2025 and to dispose of the same in accordance with law, after hearing the learned advocates for the respective parties 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.)