

14.01.2025
SI No.4
Court No.12
(gc)

FMA 1235 of 2012

**Shanti Lama
Vs.
Digen Pramanik & Ors.**

1. In spite of service of notice, the appellant is not represented.
2. The appeal is arising out of an order dated 24th February, 2012 in an application filed under Section 9 of the Arbitration and Conciliation Act. It appears that the learned District Judge, Jalpaiguri in deciding the said application has treated the agreement for sale as agreement for lease. It has also been overlooked that an agreement for sale does not create any interest over the property and hence does not require any registration. The basis of the order is erroneous.
3. However, by the long passage of time, we feel that the efficacy of the said appeal is lost as we presume that the arbitration proceeding must have commenced in the meantime and hence we dispose of the appeal with the aforesaid observation.
4. We direct the department to communicate this order to the sole appellant by Speed Post with A.D. within one week from date and file a

report as to service upon the sole appellant on the administrative side.

5. The appeal for all practical purposes stands disposed of.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)