

In the Court of the District Judge, Birbhum at Suri

**Misc. Case – 97 of 2024**

CNR No. WBBB01-004310-2024

Present:- Sri Santanu Jha, (WB00399)  
District Judge, Birbhum.

**35**  
**22.07.2026**

Record is placed for passing order.

A petition dated 14.07.2026 filed by the State of West Bengal and the petitioner of the instant Misc. Arbitration Case has been heard and the same is posted for order.

The State filed the instant Misc. (Arbitration) Case by taking out an application under section 34 of the Arbitration & Conciliation Act, 1996 and after passing of the order dated 10.07.2026 the State has prayed for stay of operation of the said order. It has been stated that the order dated 10.07.2026 for releasing 25% of the award amount has been passed without considering the application under section 34 and as such, the State – petitioners will suffer irreparable loss if the amount is so disbursed, before disposal of the Misc. Case.

The Ld. Senior Advocate appearing for the original respondents pointed out during the hearing that in view of the order dated 14.07.2026 in C.O 2268 of 2026 passed by the Hon'ble High Court at Calcutta, there is no scope for staying operation of the order dated 10.07.2026. The order dated 10.07.2026 was challenged before the Hon'ble High Court and the Hon'ble Court was pleased to dispose of the said C.O 2268 of 2026 by directing this Court to decide the *inter se* apportionment / title dispute strictly in terms of the directions passed by the Hon'ble Supreme Court in the order dated June 15, 2026. Therefore, it is argued that staying operation of the order dated 10.07.2026 is beyond the scope of this Court at this stage.

Having heard the Ld. Advocates appearing for different sides it is humbly stated that the order dated 10.07.2026 was passed after thoughtful

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consideration of the submission of the rival parties and also, it was passed in obedience to the solemn order of the Hon'ble Supreme Court dated 15.06.2026. At the present stage, the prayer made by the State – petitioner appears to be inappropriate and as such, the same cannot be entertained. It is clear that the prayer made by the State is not only unjustified but also unacceptable at this stage. The direction of the Hon'ble Supreme Court has to be obeyed and the order cannot be stayed.

**The petition dated 14.07.2026 submitted by the State of West Bengal is considered and rejected on contest.**

Next, the three petitions under Order 1 Rule 10(2) of CPC are taken up for consideration.

Petitioners Puspa Devi Anchalia and four others filed a petition on 16.01.2026 under Order 1 Rule 10(2) of CPC praying for impleading the said applicants as added respondents in the Misc (Arbitration) Case no. 97/2024 on the ground that the subject property belonged to the joint family estate of one Rupchand Anchalia and after the demise of Rupchand, all his legal heirs inherited the property and as such, the present applicants are also entitled to the share of the arbitral award. In view of the direction of the Hon'ble Supreme Court to decide the *inter se* apportionment / title dispute between the parties, the applicants are also necessary party and as such, it has been submitted that the prayer for impleadment should be allowed.

On 04.07.2026 two similar petitions under Order 1 Rule 10(2) of CPC were filed by two sets of applicants seeking to get added as respondents. The applicants namely Sundari Devi Anchalia and Lalit Anchalia filed one such petition whereas Pushpa Dharamchand Anchalia, Ankit Shridharamchand Anchalia and Prerna Dharamchand Anchalia filed the other one. The Ld. Advocates appearing for the said applicants have urged that the applicants are

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also legal heirs / descendants of said Rupchand and therefore, they are also the co-owners of the subject property and they will be prejudiced if they are not included in the present litigation.

The Ld. Senior Advocate appearing for the original respondents who claim to be the exclusive owners of the property in dispute submitted that the prayer for impleadment is not acceptable as the said applicants were not a party before the arbitral proceeding and as such, they cannot be included in a proceeding under section 34. The Ld. Sr. advocate has referred to a few decisions as reported in 2014 SCC Online Del 7528 , 2024 SCC Online Del 4564 and 2025 SCC Online SC 1691 to buttress his argument.

The Ld. Sr. counsel has however noted that the applicants may be allowed to intervene and prove their title as directed by the Hon'ble Supreme Court by orders dated 30.08.2025 and 15.06.2026.

Having heard the Ld. Counsels appearing for the contesting parties, it is found that in view of the clear direction of the Hon'ble Supreme Court, all the claimants who are admittedly the legal heirs and descendants of the Anchalia family are entitled to be impleaded and to participate in the proceeding / adjudication of *inter se* apportionment / title dispute as regards the subject property. It will not be proper to refuse and reject the petitions under Order 1 Rule 10(2) of CPC and as such, it may be humbly observed that all the three petitions are entitled to be allowed. As desired by the Hon'ble Court, the claimants should be given opportunity to place their submission.

**Accordingly, all the three petitions dated 16.01.2026 & 04.07.2026, as mentioned above, are allowed on contest.**

**As such, Puspa Devi Anchalia (as added respondent no.10), Manoj Kumar Anchalia (as added respondent no.11), Himangshu Anchalia (as added**

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respondent no.12), Sanjoy Kumar Anchalia (as added respondent no.13), Naveen Kumar Anchalia (as added respondent no.14), Sundari Devi Anchalia (as added respondent no.15), Lalit Anchalia (as added respondent no.16), Pushpa Dharamchand Anchalia (as added respondent no.17), Ankit Shridharamchand Anchalia (as added respondent no.18) and Prerna Dharamchand Anchalia (as added respondent no.19) are added as respondents. Let their names be noted on the title page and also in the appropriate register.

In view of the Hon'ble Court's direction for deciding the *inter se* apportionment / title dispute, it is necessary to give an opportunity to all the sides to submit respective pleadings / claims as regards their co-ownership in the subject property before proceeding further. It is also necessary to provide liberty to the contesting parties to submit their counter claim / rejoinders if any, so that necessary **Issues** can be framed to adjudicate the question of apportionment and title dispute relating to the subject property.

With regard to the submission of the payment order by the original respondents, it is observed that the original respondents Narendra Kumar Anchalia and others in obedience to the Hon'ble Supreme Court's direction and as such, the 25% of the Arbitral Award amount should be disbursed in their favour.

The petition dated 16.07.2026 in pursuance to order dated 10.07.2026 praying for disbursal of 25% of the award amount i.e. Rs. 2,63,34,500/- (Two crores sixty three lakhs thirty four thousand and five hundred only) in favour of engaged Lawyer Sri Nemai Sadhan Roy is taken up for consideration.

Considered. The payment order has duly been filed.

There appears no impediment to allow the petition which in

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finality helps disbursal of 25% of the award amount i.e. Rs. 2,63,34,500/- (Two crores sixty three lakhs thirty four thousand and five hundred only) to the claimants mentioned in the petition filed together with the payment order.

Let the 25% of the award amount i.e. Rs. 2,63,34,500/- (Two crores sixty three lakhs thirty four thousand and five hundred only) be credited in the account of Id engaged advocate, Nemai Sadhan Roy in below mentioned details given in the instant petition dated 16.07.2026.

**Name :- Nemai Sadhan Roy**

**Bank :- Punjab National Bank, Suri Branch.**

**Account No :- 17992413000190**

**IFS Code :- PUNB0179910**

Head Accountant, District Judges' Court, Suri, Birbhum is hereby directed to disburse the 25% of the award amount i.e. Rs. 2,63,34,500/- (Two crores sixty three lakhs thirty four thousand and five hundred only) in favour of Sri Nemai Sadhan Roy, Advocate, Suri Bar after maintaining all formalities.

Ld. Advocate, Sri Nemai Sadhan Roy is hereby directed to disburse the aforesaid amount to the original respondents viz, Narendra Kumar Anchalia / respondent no.1, Chandra Anchalia / respondent no.2, Himangshu Anchalia / respondent no.3 and Kusum Chopda / respondent no.4 strictly as mentioned in the order dated 15.06.2026 passed by the Hon'ble Supreme Court of India at once without fail and also requested to furnish a compliance report of disbursal before this Court immediately.

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Let a copy of this order along with payment order and other relevant papers be sent to the Head Accountant, District Judges' Court, Suri, Birbhum.

Fix **05.08.2026** for compliance report, filing claims / pleadings and further order as regards depositing the balance amount in a nationalized bank.

**Dictated & Corrected by me.**

Sd/- S. Jha  
**District Judge, Birbhum.**  
(JO Code-WB00399)

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**District Judge, Birbhum.**  
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