

MISC. ARBITRATION CASE No. 17 OF 2025
CIS NO. 02 OF 2025
JO CODE WB00669

Later, Order No: 01, dt. 29.07.2025

Record is put up on the basis of submission made by the Ld. Advocate appearing on behalf of the petitioner.

Accordingly, the record is taken up for hearing of the petition.

Perused the petition u/S. 9 of Arbitration and Reconciliation Act, 1996, praying for interim protection pending enforcement of the arbitral award dt. 18.07.2024 filed by the petitioner supported by an affidavit.

Heard the Ld. Advocate appearing on behalf of the petitioner.

On perusal of the petition and having heard the Ld. Advocate for the petitioner it appears that the petitioner prayed for an order of injunction restraining the respondents, their agents, servants, or any person claiming through them from alienating and encumbering and transferring and creating and third party interest in the entire suit property till the initiation of execution proceeding. Accordingly, it is not wise and proper to pass any ad-interim order of injunction without hearing the respondents. So, interim prayer is, thus, refused at this stage.

Issue notice upon the respondents asking them to show-cause within 10 days from the date of receipt of notice as to why the petition u/S. 9 of Arbitration and Reconciliation Act, 1996, shall not be heard exparte against them.

Let the matter be sent to the Ld. A.D.J., 2nd Court, Darjeeling, for disposal in accordance with law.

Requisites to be filed to the transferee Court.

Fix **29.08.2025** for show-cause, appearance and further order by the transferee Court.

Dict. & corrected by me

Sd/-

District Judge, Darjeeling

Sd/-

District Judge, Darjeeling