

**Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)**  
**Order no. 13//dated-19.01.2026**

Parties have taken their respective steps.

Date is fixed for hearing of the petition under Section 151 of C.P.C. filed by the defendant.

Heard both sides on the petition.

Seen the record.

Defendant has filed this application for dismissal of the suit on the ground that the plaintiff has filed one application under Section 34 of the Arbitration and Conciliation Act challenging the award passed by the arbitrator.

On perusal of the petition filed by the plaintiff under Section 34 of the Arbitration and Conciliation Act before the Hon'ble Court registered as AP no. 139 of 2023 that the said arbitration was held in respect of the vehicle being no. WB-25J-0359 and on perusal of the plaint, it appears that the number of the subject vehicle involved in this suit is WB-25J-0356.

Therefore the Arbitral Award challenged in AP no. 139 of 2023 in respect of the different vehicle which is not involved in the present suit and the instant petition under Section 151 of C.P.C filed by the defendant is misconceived and it is rejected accordingly.

Defendant has filed one application under Section 5 and 8 of the Arbitration and Conciliation Act.

Fix 05.03.2026 for hearing of the application under Section 5 and 8 of the Arbitration and Conciliation Act.

Defendant is directed to serve the copy of the application to the plaintiff in the meantime.

Ad-interim order of temporary injunction be extended till the next date fixed on the application of the plaintiff.

D/c by me,

Judge.

Judge, Bench-V,  
City Civil Court, Calcutta.

