

Misc. Appeal No.21 of 2025

Present : Biswarup Bandyopadhyay (WB01133), Chief Judge
Order No.12 dated 18.12.2025:

Appellant files hazira along with affidavit in reply to the written objection of the respondent no.1 against the application under Section 151 of CPC. Let it be kept with the record.

Ld. Counsel for the respondent files hazira.

The application filed under Section 151 is taken up for hearing.

Heard the Ld. Counsels appearing for the appellant as well as the respondents.

Perused the contentions made in the application as well as the written objection submitted thereto. It is categorically submitted by the Ld. Counsel appearing for the appellant that a separate vehicle of the appellant bearing registration no.WB04H6456 has been seized which is no way connected with the arbitration matter by virtue of interim order passed by the Ld. Arbitrator, whereas admittedly the subject matter of proceeding is a vehicle bearing registration no.WB04H6315. Accordingly, he prays for direction upon the respondents to return the aforesaid vehicle to the appellant.

On the other hand Ld. Counsel for the respondents raised strong objection to the submission made by the Ld. Counsel for the appellant and also submitted that for proper adjudication of the matter T.C.R is required to be perused. It is the contention of the respondent that the seized vehicle was placed as a guarantee to secure the loan against the purchased vehicle.

Having considered the rival contentions made in the application as well as in the written objection submitted thereto and after hearing the submissions of the Ld. Counsels of the respective parties, this Court is of the opinion that the contentions made in the application under Section 151 of CPC touches the merit of the instant appeal preferred by the appellant and the rival facts stated by the parties needs to be considered in the light of the materials available on T.C.R. T.C.R has not yet been received from the Arbitral Tribunal. Accordingly, the matter cannot be disposed of today.

The Ld. Counsel for the appellant seeks an interim order of status quo with regard to the seized vehicle bearing no. WB04H6456 so that no third party interest is created in the meantime by way of hypothecation or selling out the vehicle to any third party.

Considering the factual aspects, an interim order of status quo with regard to the nature, character and possession of the seized vehicle shall be maintained till the next date of hearing or until further order, whichever is earlier.

Issue reminder for T.C.R immediately.

Let a copy of this order be handed over to the Ld. Counsels for the respective parties counter signed by the Bench Clerk for information and communication.

Department is directed to send a copy of this order to the Ld. Arbitrator for information.

Fix 07.01.2026 for hearing of application under Section 151 of CPC along with hearing of appeal.

Dictated & corrected by me,

Chief Judge

Chief Judge
City Civil Court, Calcutta.