

Misc. Appeal No.21 of 2025
Present: Biswarup Bandyopadhyay (WB01133), Chief Judge
Order No. 9 dated 19.09.2025:

Appellant files hazira through his Ld. Lawyer.

Respondents file written objection to the application under Order VI Rule 17 of CPC filed by the appellant.

The Appeal is taken up for hearing on its admissibility point.

Heard the Ld. Counsels appearing for the respective parties.

Ld. Counsel appearing for the respondents raised serious objection to the admission of appeal itself on the grounds of question of maintainability. He quoted the provisions contained under Section 37 of the Arbitration and Conciliation Act in support of his such contention.

Heard the Ld. Counsel. So far the question of maintainability is concerned it shall be kept open and such issue shall be taken up at the time of hearing of the appeal.

Perused the Memo of Appeal and copy of order dated 07.05.2025 passed by the Ld. Arbitrator in connection with Case No.PK-21. Also perused the other materials-on-record, including the Office Report.

Having heard the Learned Advocate for the appellant and also upon perusal of the materials on record, it is apparent that the instant appeal has been preferred within the prescribed period of limitation and accordingly, I find no legal impediment to admit the appeal.

In the circumstances, the appeal stands admitted.

The case is taken up for hearing of petition under Order VI Rule 17 of CPC.

Having heard the Ld. Advocates for the respective parties and on perusal of the petition, this Court is of the view that the amendment sought for as per 'Schedule' to the amendment application is formal in nature and it will not change the nature and character of the suit. Therefore, there is no impediment to allow the amendment petition filed by the appellant.

Hence, the amendment petition filed by the appellant is hereby allowed.

Appellant is directed to file amended memo of appeal upon service of advance copy to the respondents by the next date fixed.

Call for the L.C.R.

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Contd.. ...Order No. 9 dated 19.09.2025:

Fix 28.11.2025 for awaiting L.C.R/hearing of appeal/hearing on the point of maintainability/hearing of petition under Section 151 of CPC dated 20.05.2025, objection, if any in the mean.

Dictated & corrected by me:

Chief Judge

Chief Judge
City Civil Court, Calcutta.