AD – 37
Ct No.16
07.07.2026
(SSS)

FMA 814 of 2026

With

CAN 1 of 2026

Laxmi Niwas Daga
Vs.
Niwas Daga

Mr. D. N. Sharma, Sr. Adv.,
Mr. Nilay Sengupta,
Mr. Shailendra Jain,
Mr. Sujit Banerjee,

……For the appellant.

1. On the prayer of learned senior counsel for the appellant, the appellant is permitted to file a supplementary affidavit. The same is filed here and now and is kept on record.

2. The present challenge has been preferred against an order whereby the learned Judge, taking up an application under Section 9 of the Arbitration and Conciliation Act, 1996, restrained both parties from operating the bank accounts of the partnership firm which is in the eye of the storm involved in the matter.

3. Learned senior counsel appearing for the appellant argues that the matter pertains to a commercial dispute and, accordingly, should have been filed before the appropriate Commercial Court having jurisdiction.

4. Secondly, it is contended that by dint of the impugned order, the entire functioning, statutory compliances, and even essential day-to-day activities of the partnership firm have been paralyzed, since neither of the parties, who are the authorized signatories, can now operate the bank accounts.

5. Upon scrutinizing the materials before us and hearing the learned Senior Advocate for the appellant, we are *prima facie* satisfied that an arguable case for hearing the appeal on merits has been made out on the grounds as indicated above.

6. Accordingly, the appeal is admitted, to be heard on the questions recorded above as well as the other grounds taken in the memorandum of appeal.

7. In view of the peculiar circumstances of the case, the urgency involved and taking into account the ramifications of the impugned order, which tantamounts to putting on hold the entire functioning of the partnership firm, there shall be

stay of operation of the impugned order till disposal of CAN 1 of 2026, subject, however to the rider that we appoint Mr. Rwitendra Banerjee, an Advocate of this Court, to act as Special Officer to supervise the operation of the bank accounts of the concerned partnership firm, at a remuneration of Rs.40,000/- for the present, to be borne by both parties equally, payable to the Special Officer within four weeks from date.

8. Both parties to the present litigation shall be at liberty to operate the bank accounts pertaining to the concerned partnership firm, however, with the specific sanction in writing of the Special Officer at each such instance.

9. This order, however, is passed on an ad hoc basis without entering into the merits of the respective contentions of the parties and is subject to the final adjudication of CAN 1 of 2026 as well as the present appeal.

10. The appellant shall serve copies of the application, supplementary affidavit and memorandum of appeal on the respondent as well as the learned Special Officer at the earliest, indicating that the application shall be listed for hearing in the monthly list of August, 2026, when an affidavit of service to that effect shall be filed by the appellant.

11. The parties, the learned Special Officer, the concerned banks, and all concerned shall act on the server copy of this order, without insisting upon prior production of a certified copy thereof, for the purpose of compliance.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)