

ORDER

OD – 9

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/41/2026
MR ANURUP ROY AND ORS
VS
MR. MADAN JAISWAL AND ANR.

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: September 08, 2026.

Appearance:-
Mr. Diptomoy Talukder, Adv.
Mr. D. Ghosh, Adv.
Mr. T. Talukder, Adv.
...for petitioners.
Mr. Rajeev Kumar Jain, Adv.
Ms. Yamini Mahawar, Adv.
...for respondent No.2.

The Court:- Affidavit of service is taken on record. Despite service, none appears on behalf of the respondent No.1.

The petitioners have preferred the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of a sole arbitrator to adjudicate the disputes and differences between the parties in terms of the Memorandum of Understanding dated 26th June, 2024.

Learned counsel for the respondents states that the present petition is not maintainable since the subject matter of the immovable property is situated outside the territorial jurisdiction of this Court. Further the stamp paper was procured by the petitioners from Jharkhand with the intent to arbitrate the matter within territorial jurisdiction of Jharkhand. He states that the petitioners hadforged the documents purporting to establish ownership and long possession. He further states that he also initiated the criminal proceedings against the petitioners.

Learned Counsel for the respondent seeks and is granted three weeks time to file his affidavit-in-opposition. Reply to the same, if any, be filed within one week thereafter.

Let this matter be listed after five weeks.

(GAURANG KANTH, J.)

R. D. Barua