

IA NO.GA 11 of 2021
in
CS 38 of 2004

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CALCUTTA STOCK EXCHANGE LIMITED
Versus
ANURADHA MALIK

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 26th February, 2021.

Appearance:

Mr. Satadeep Bhattacharyya, Adv.

Mr. Subhajit Ghosh, Adv.

...for the plaintiff.

Mr. Rohit Banerjee, Adv.

Ms. Shrayashee Das, Adv.

Mr. Jishnujit Roy, Adv.

...for the defendant.

The Court : It appears that this application centres around an order passed by a learned Single Judge recalling an ex parte decree dated 14th November, 2014 by requiring the defendant to put in Rs.17 lakhs to the advocate-on-record of the plaintiff within a certain time period. The suit was later decreed in favour of the plaintiff on 12th May, 2016. By an order dated 27th February, 2020, the Division Bench set aside the decree and gave liberty to the defendant to apply before the trial court for refund of the security given pursuant to the order of the learned Single Judge.

Since it appears from the submissions made on behalf of the parties that there is dispute with regard to interpretation of the word 'security' and whether the security would cover Rs.17 lakhs which was put in by the defendant pursuant to the order of the learned Single Judge dated 19th August, 2015, this Court is

of the view that the parties should seek a clarification of the scope and effect of the order passed by the learned Single Judge in the form of an appropriate application. Allowing the instant application by which the defendant seeks refund of Rs.17 lakhs would amount to construing the nature of the deposit put in by the defendant which may not be appropriate in the absence of a clarification by the concerned Single Judge.

In view of the above, GA No.11 of 2021 is dismissed. The defendant is given liberty to approach the learned Single Judge for necessary orders.

(MOUSHUMI BHATTACHARYA, J.)

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