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24-11-2021

FMAT 204 of 2021

Ct. 8

Ranjit Kumar Shaw
Versus
Hari Narayan Shaw

(Through Video Conference)

Mr. Animesh Pal, Adv.

...for the appellant

We have perused the plaint, the order of refusal of the learned Trial Court and the observation of the learned District Judge with regard to maintainability of the appeal before the learned District Judge.

We are of the view that the appeal is required to be heard by the learned District Judge and not by the Commercial Appellate Division as we are of the view that it relates to an enforcement of a development agreement between the plaintiff and the defendant and is not a commercial dispute within the meaning of Section 2(C) of the Commercial Courts Act, 2014.

In view thereof, the learned District Judge is requested to take up the Misc. Appeal no. 08 of 2021 and to dispose of the same in accordance with law.

The original file received shall immediately be returned to the learned District Judge, Howrah.

The Registrar (L&OM) shall ensure that this order is carried out by the department.

FMAT 204 of 2021 is, thus, disposed of.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)