

IA NO. GA/2/2021
IN CS/11/2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SURENDRA SINGH BENGANI
VERSUS
ASHOK CHAUDHRY

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 9th March, 2021.

(Via Video Conference)

Appearance:
Mr. Chayan Gupta, Adv.

Mr. Rupak Ghosh, Adv.
Mr. Ayan Dutta, Adv.
Mr. Bimalendu Das, Adv.
Mr. Shomrik Das, Adv.

The Court: In this application under Order 7 Rule 10 of the Code of Civil Procedure 1908, the plaintiff seeks withdrawal of the present suit to be presented before the appropriate Court in view of the defendant taking the stand that the disputes involved are not commercial disputes within the meaning of the Commercial Courts Act, 2015.

The suit is for recovery of money lent and advanced. Neither the plaintiff nor the defendant comes within the definition of a banker, trader, merchant or a Financier within the meaning of Section 2(1)(c)(i) of the Act of 2015.

In such circumstances, it would be appropriate to allow the present application. Plaint of CS No. 11 of 2021 be returned to the learned advocate on record for the plaintiff to be presented before the appropriate Court. On return of the plaint of CS 11 of 2021 the Commercial Division of this Hon'ble Court will treat CS No. 11 of 2021 as disposed of.

IA No. GA 2 of 2021 is disposed of accordingly.

The subsisting order dated January 21, 2021 will continue for a period of seven days from date.

(DEBANGSU BASAK, J.)

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