

IA NO. GA/4/2021
IN CS/51/2020
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AMIT NEWAR AND ANR.
VERSUS
MD ISLAM

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 15th February, 2021.

(Via Video Conference)

Appearance:
Mr. Avinash Kankani, Adv.
Mr. Sarosij Dasgupta, Adv.
Mr. Suman Majumder, Adv.

Mr. C.K. Saha, Adv.
Mr. Syed Hassan, Adv.
Md. Subid Ali, Adv.

The Court: The defendant raises a point that the dispute involved in the suit is a commercial dispute within the meaning of the Commercial Courts Act, 2015.

In support of such contention, the defendant relies upon 2019 SCC online SC 1311 (Ambalal Sarabhai Enterprises Ltd. Versus K.S. Infraspace LLP).

The plaintiff is represented. Learned advocate appearing for the plaintiff submits that, since the defendant claims that the suit involves a commercial dispute within the meaning of the Act of 2015, the plaintiff is ready and willing to withdraw the suit with liberty to file afresh before the appropriate forum.

In such circumstances, IA No. GA 4 of 2021 is disposed of by dismissing CS 51 of 2020 with reserving the liberty of the plaintiffs to file a fresh suit on the self-same cause of action before the appropriate forum.

CS 51 of 2020 is disposed of accordingly.

In view of disposal of CS 51 of 2020, the department will record disposal of all pending interim applications. Interim orders, if any, stand vacated.

(DEBANGSU BASAK, J.)

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