

OD-19 & 20

ORDER SHEET

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

IA No. GA/2/2021

In

CS/107/2021

USHA DEVI CHOKHANI AND ANR.

VS

KUSUM SUREKHA AND ANR.

&

IA No. GA/1/2021

In

CS/107/2021

USHA DEVI CHOKHANI AND ANR.

VS

KUSUM SUREKHA AND ANR.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : December 14, 2021.

[Via video conference]

Appearance:

Mr. Chayan Gupta, Adv.

Mr. Rudraman Bhattacharyya, Adv.

Ms. Amrita Panja Moulick, Adv.

Mr. Satyaki Mukherjee, Adv.

Mr. Paritosh Sinha, Adv.

In Re: GA/2/2021

The Court : This General Application is with regard to the rejection of the
plaint on the ground that the matter is a Commercial Suit.

I have heard learned counsel appearing on behalf of both the parties.

Mr. Rudraman Bhattacharyya, learned advocate appearing on behalf of the defendants/petitioners has submitted that this is a Commercial Suit and should be taken up before the Commercial Division.

Accordingly, the contention of the defendants/petitioners is accepted and the plaint is returned under Order VII Rule 10 of the Code of Civil Procedure, 1908.

Liberty is given to the plaintiff to file the same before the Commercial Division of this Court.

I make it clear that the court fees used in the present suit may be returned to the plaintiff to be used for filing the suit in the Commercial Division.

In light of the above, the application for rejection of the plaint is disposed of and the plaint in CS/107/2021 is returned to the plaintiff as indicated above.

The department is directed to strike off the suit from its ledger.

Interim order, if any, stands vacated.

In Re: GA/1/2021

This is a Chapter XIII application filed by the plaintiff. Since the plaint has been returned as per the order passed in GA/2/2021, the application is treated to be disposed of.

(SHEKHAR B. SARAF, J.)