

Item-7.	15-11-2022	FAT 439 of 2013 CAN 1 of 2014 (old CAN 5399 of 2014) CAN 2 of 2015 (old CAN 2976 of 2015)
sg	Ct. 8	Shalimar Chemical Works Ltd. & Anr. Versus Sujit Kumar Basu

Mr. Kartick Bhattacharya, Adv.
...for the appellants

Mr. Koustava Ratan Chatterjee, Adv.
...for the respondent

The suit was dismissed during the trial of the suit.

The learned Counsel for the respondent submits that the plaintiffs did not take any step for which the suit was dismissed. However, the suit could have been dismissed on merits.

There is an inordinate delay on the part of the appellants to take steps in this matter for which the plaintiffs shall pay costs of Rs.10,000/- to the respondent as condition precedent for restoration of the suit. The cost shall be paid to the respondent by a demand draft. The said demand draft shall be forwarded to the learned Counsel for the respondent and the learned Counsel shall accept it on behalf of the respondent. Such cost shall be paid within two weeks from date, failing which, this order shall stand recalled and the suit shall remain dismissed.

However, in the event the cost is paid within the aforesaid time, the Trial Court shall commence trial of the suit. The Trial Court shall prepare a schedule for the trial which shall be followed as per as practicable subject to the convenience of the Trial Court and the Trial Court is requested not to grant any adjournment to either of the parties unless it is unavoidable.

The learned Counsel for the respondent has submitted that no part of cause of action has arisen within the jurisdiction of the Alipore Court.

However, this matter is required to be decided by the Trial Court. We make it clear that we have not gone into the merits of the suit.

Mr. Koustava Ratan Chatterjee, learned Counsel representing the respondent has submitted that he has received instruction to represent the respondent in this proceeding and he undertakes to file vakalatnama in the department in course of the day.

Formal service of notice of appeal upon the respondent is waived the Mr. Chatterjee.

The appeal and the connected applications are accordingly, disposed of. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)