

OD-2

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/35/2022
WITH CS/394/2012

IA NO:GA/1/2022

CONCAST CEMENT PRIVATE LIMITED
VS.
DECCAN CHRONICLE HOLDINGS LIMITED AND ANR.
.....

BEFORE:
The Hon'ble JUSTICE I. P. MUKERJI
AND
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : 28th February, 2022.
[VIA VIDEO CONFERENCE]

Ms. Noelle Banerjee, Mr. Dpiak Dey, Advs... ...for appellant.

Mr. Rajarshi Dutta, Mr. Sarbojit Muhkerjee,
Ms. Shyantee Datta, Advs...for defendant no.2.

The Court : We proposed to hear out the appeal today dispensing with all formalities.

The cause of action in the suit, as it survives today, is a guarantee given by the respondent no.2/defendant no.2 to guarantee the loan advanced by the appellant/plaintiff to the defendant no.1/respondent no.1.

On an examination of the records of the proceedings there does not appear to be any doubt that the dispute involved is commercial in nature.

We understand on hearing Ms. Noelle Banerjee, learned advocate for the appellant that the suit is scheduled to be listed under the heading 'Undefended Suit'.

We dispose of this appeal by directing the suit be so listed as early as possible, subject to the convenience of the bench before the appropriate commercial court with a request to the learned judge to dispose of the same as early as possible. The learned judge shall also consider the pending application of the appellant/plaintiff for receiving evidence on commission.

The appeal and the connected application are disposed of accordingly.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)

pkd.