

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/43/2022
With
CS/238/2021
IA No: GA/1/2022
M/S. JIWANRAM SHEODUTTRAI INDUSTRIES PRIVATE LIMITED
VS.
M/S TIRUPATI VANCOM PVT. LTD.

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice ANIRUDDHA ROY

Date: 23rd MARCH, 2022

(Via Video Conference)

Appearance:

Mr. Rohit Banerjee, Adv.

Mr. Altamas Alim, Adv.

Mr. Asoke Basu, Adv.

...for the appellant

Mr. Krishnaraj Thaker, Adv.

Mrs. Sreenita Ghosh Thaker, Adv.

Mr. Babhru Bahan Bera, Adv.

...for the respondent

The Court:- We find ourselves in a position to dispose of the appeal today itself. Dispensing with all formalities, we have heard out the appeal.

As will appear from paragraph 16 of the interim application before the learned single judge, the suit filed by the respondent plaintiff against the appellant defendant is for a money decree simplicitor. However, the cause of action for the reliefs prayed for in the interim application is, inter alia, dishonour of three cheques made over by the appellant to the respondent as pleaded in paragraphs 9, 10 and 11 of the interim application.

For those reasons, the impugned order dated 27th January, 2022 can be supported except that there was no, prima facie, case before

the learned single judge directing the directors of the appellant to file an affidavit of assets, at least at this stage.

We find from the said order that the matter has been made returnable by the learned single judge four weeks from the date of the impugned order.

Let the application be heard out by the said court.

We only set aside that part of the order dated 27th January, 2022 directing the directors of the appellant to file affidavits of assets. The rest of the impugned order is affirmed.

The appeal (APOT 43 of 2022) and the connected application (IA No.GA/1/2022) are disposed of.

As affidavits were not invited, the allegations, if any, in the stay petition are deemed not to be admitted.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)