

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

CS/122/2022

BST INFRATECH LIMITED
VS
GAMMON ENGINEERS AND CONTRACTORS PVT LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 17th May, 2022.

Appearance:

Mr. Pradip Tarafder, Adv.
Mr. Sambuddha Dutta, Adv.
Mr. Subir Pal, Adv.

The Court: The plaintiff seeks withdrawal of the suit on the ground of formal defects before it has been formally lodged and before leave has been granted under Clause 12 of the Letters Patent, 1865.

Leave is granted to the plaintiff to file a fresh suit on the self same cause of action. The Court fees tendered would be returned to the plaintiff to enable the plaintiff to use the same in respect of a new plaint that must be lodged within one week after the ensuing vacation. In default of the new plaint being lodged within such time, the plaintiff will lose the liberty to use the same Court Fees.

Accordingly, CS/122/2022 is permitted to be withdrawn with liberty to file afresh on the self same cause.

(RAVI KRISHAN KAPUR, J.)