

CO 1883 of 2023

**Rudrapriya Traders Pvt. Ltd
-Vs-
Shyamal Roy & Ors.**

*Mr. Sounak Bhattacharya
Mr. Sounak Mondal*

... for the petitioner

The petitioner submits that this Court should invoke its power under Section 24 of the Code of Civil Procedure and transfer Title Suit No. 204 of 2015 from the Court of the Learned Civil Judge (Senior Division) at Rampurhat to the Court of the Learned Commercial Court at Assansol.

According to Mr. Bhattacharya, the said suit was in the nature of a commercial suit and ought not to be heard as an ordinary suit.

However, this Court is of the view that invoking power under Section 24 of the Code of Civil Procedure, in this case, would amount to deciding the jurisdiction of the Court.

The petitioner has already approached the Court by filing an application under Section 15 of the Commercial Court's Act.

The Learned Civil Judge (Senior Division), Rampurhat is directed to dispose of the said application in accordance with law.

This Court has not expressed any view with regard to the case and the counter-case of the parties or with regard to the point raised by the petitioner in the pending application. The Learned Court below shall decide the matter independently by applying the relevant laws within a period of two months from the next date fixed.

Liberty is granted to the opposite party to file Written Objection, if not filed.

CO 1883 of 2023 is disposed of accordingly.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Shampa Sarkar, J.)