

05.09.2023

ASR 6.

**IN THE HIGH COURT AT CALCUTTA
COMMERCIAL CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)**

TRP (COMM)/1 of 2023

**Smt Sulagna Bose (Sarit Kumar Ghosh being Dead)
Vs.
Biswanath Banik & Ors.**

**Ms. Manju Bhuteria
Mr. Dwaipayan Basu
Mr. Rajesh Upadhyay
Ms. Arundhati Barman Roy
Ms. Surabita Biswas
Ms. Sweta Chakraborty
.....for the appellant**

**Mr. Ayan Banerjee
Ms. Debasree Dhabal
Ms. Riya Ghosh
.....for the respondent**

Having heard learned counsel for the parties, we are in a position to dispose of this application under Section 15(5) of the Commercial Courts Act, 2015, without inviting any affidavit.

The suit concerns an immovable property within the jurisdiction of the learned Commercial court at Alipore used exclusively for running a saw mill, according to the averment made in paragraph 3 of the plaint.

Hence, we direct the subject suit to be transferred to the learned Commercial court at Alipore. The said court at Alipore will hear the suit from the stage left

unconcluded by the learned Sealdah court and thereafter proceed further.

The registry of both the courts shall cooperate with each other so that the records of the proceeding are transferred from Sealdah to Alipore not later than three weeks from the date of communication of this order. Since trial of the suit had begun in Sealdah, the learned judge presiding over the Commercial court at Alipore will give this suit priority and conclude the trial as expeditiously as possible.

This application is accordingly disposed of.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)