

OD-1

ORDER SHEET

CS 90 of 2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

MARUTI TRADING CO.
VS.
VINOD AGARWAL

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 31st July, 2023.

Ms. Mayuri Ghosh, Mr. Rahul Agarwala, Advocates for plaintiff.

The Court : At the time of presentation of plaint it is submitted on behalf of the plaintiff that the disputes being the subject matter of the suit are covered under the provision of Section 2(1)(c) of the Commercial Courts Act, 2015 and as such the plaint should be presented in the Commercial Division of this Court for the purpose of instituting a suit in such division although, the valuation of the suit is less than Rs.10,000,00/-. This is not a matter which is covered by Section 15 of the Commercial Courts Act, 2015 for which the suit can be transferred from the Ordinary Original Civil Jurisdiction to the Commercial Division of this Court. That apart the mandatory provisions of Section 12A of the Commercial Courts Act, 2015 also get attracted.

In the aforesaid facts and circumstances, since the plaint has not entered the records of this Court and has only been filed in the computer section for which a number has been only allotted, let the plaint along with

the court fees be returned to the plaintiff with the leave to the plaintiff to institute a fresh suit as may be advised if otherwise permissible in law before the appropriate Court. The plaintiff shall be also entitled to use the court fees in any litigation against the same set of defendant if there is no other embargo in doing so. The department shall take expeditious steps to return the plaint with the court fees upon completion of necessary formalities. Simultaneously with the return of the plaint, the suit number and application, if any, filed in the suit shall be de-registered.

(ARINDAM MUKHERJEE, J.)