

ODC-5

IA No.GA 1 of 2022
IN
CS 171 of 2022
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

UTKARSH INDIA LIMITED
VS.
NAVTEL ELECTRONICS PRIVATE LIMITED & ORS.

BEFORE:
The Hon'ble JUSTICE Arindam Mukherjee
Date : 18th January, 2023.

Mr. Souradeep Banerjee, Adv.
.for the plaintiff

The Court :- It is submitted by the plaintiff that despite best endeavour the present address of the defendants cannot be ascertained. Although, the defendant no.1 is described to be a company registered under the provision of the Companies Act, 2013 with its registered address at Bangalore, the plaintiff has not been able to serve the said defendant at its registered office. The defendant nos.2 and 3 are described to be persons working for gain at the office of the defendant no.1. In such circumstances, the plaintiff prays for withdrawing the suit and to initiate appropriate proceedings on the self-same cause.

In the aforesaid facts and circumstances, the suit is treated as on day's list and is dismissed as withdrawn with liberty to file appropriate proceedings including a suit on the self-same cause. Since hearing of the suit had not proceeded to any extent except filing of an interlocutory application, the plaintiff

is entitled to return of the court fees. The department is directed to return the court fees which may be used for the purpose of any subsequent litigation as against the same set of defendants.

All connected applications are also dismissed.

(Arindam Mukherjee, J.)

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