

18.07.2024
(D/L-14)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2506 of 2024

Drip Capital & Anr.

-Vs-

Purushottam Exports Private Limited & Anr.

Mr. Avirup Mondal,
Mr. Soumalya Ganguly,
Ms. Sudarshana Dutta,

... For the Petitioners.

Mr. Bhaskar Seth,
Mr. Mukesh Gupta,

.... For the Opposite Parties.

The order dated April 16, 2024 passed in the Title Suit no. 1825 of 2022 by the 2nd Court of Additional Civil Judge (Junior Division), Alipore, District 24-Pargans (South) is under challenge in the instant application under Article 227 of the Constitution of India at the instance of the defendants of the said suit.

The learned advocate for the plaintiffs/ opposite parties submits that the plaint has been amended, as such the grounds on which the rejection of it was prayed for, do not exist now.

In view of such development, the order impugned is not interfered with, however, it will not prevent the defendants to take out a fresh application under Order VII Rule 11 of the Code of Civil Procedure questioning the maintainability of the suit, as it is framed now.

If such an application is filed, the learned Trial Judge shall decide the same in accordance with law.

C.O. 2506 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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

(Biswajit Basu, J.)