

ORDER SHEET

IN THE HIGH COURT AT CALCUTT
Civil Appellate Jurisdiction
ORIGINAL SIDE

IA NO : GA-COM 1 OF 2024
APOT 85 of 2024
WITH
CS No. 5 of 2020

ATUL TIWARI
Versus
ACME CHEM LIMITED AND ORS.

(Commercial Division)

BEFORE:

The Hon'ble JUSTICE I.P. MUKERJI

And

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 15th May, 2024.

Mr. Pradeep Kumar, Adv.
Ms. Archana Chowdhary, Adv.
...For the appellant

Mr. Aritra Basu, Adv.
Mr. Patita Paban Bishwal, Adv.
Ms. Suranjana Chatterjee, Adv.
...For respondent no. 1

Objection raised by Mr. Aritra Basu, learned advocate
appearing for the respondent no. 1 succeeds.

This appeal is from a judgment and order of a learned single
judge refusing to reject or return the plaint on the ground tried to be
made out by the appellant that this court has no territorial jurisdiction

over the subject matter of the suit. The suit falls under commercial matter under the Commercial Courts Act, 2015.

As rightly pointed out by Mr. Basu this judgment and order is not appealable under the said Act. However, the point of jurisdiction may be raised as a preliminary issue in the suit and decided before other issues, which right is reserved to the appellant.

We have heard out the appeal dispensing with all formalities.

The appeal (APOT 85 of 2024) and the connected stay application (GA-COM 1 of 2024) are disposed of accordingly with the above observation.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

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