

OCD-4

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

CS-COM/368/2024
[OLD NO CS/72/2022]
GA/5/2023, GA-COM/6/2024

SAMAR AND SAMAR INFRASTRUCTURE DEVELOPMENT PRIVATE
LIMITED VS
MACKINTOSH BURN LIMITED AND ANR

BEFORE :
The Hon'ble JUSTICE KRISHNA RAO
Date : November 19, 2024.

Appearance :

Mr. Kaushik De, Adv.
Mr. Roshan Pathak, Adv.
...for the plaintiff.

Mr. Arnab Chakraborty, Adv.
Ms. Pragya Bhowmik, Adv.
...for the defendant No. 1

Ms. Noelle Banerjee, Adv.
Mr. Paritosh Sinha, Adv.
Mr. Joydeep Roy, Adv.
Mr. Shoumya Samanta, Adv.
...for the defendant No. 2

The Court : Mr. Kaushik De, learned Counsel, is appearing for the plaintiff, Mr. Arnab Chakraborty, learned Counsel, is appearing for the defendant No. 1 and Mr. Paritosh Sinha, learned Counsel, is appearing for the defendant No. 2.

Counsel for the defendant No. 2 has filed supplementary affidavit in connection with GA/5/2023 and GA-COM/6/2024. Let the same be kept with the record.

Counsel for the plaintiff submits that the advocate on record of the plaintiff has received the written instruction on 11th November, 2024 from the plaintiff wherein it is informed to the advocate on record of the plaintiff that the matter has been settled and compromised between the parties and the plaintiff is not intended to proceed with the matter and requested to withdraw the instant suit.

On the basis of the written instruction, Counsel for the plaintiff prays for withdrawal of the suit.

Counsel for the defendant No. 2 submits that if this Court will allow the plaintiff to withdraw the suit, costs may be imposed.

Counsel for the defendants further submits that the communication made by the advocate on record of the plaintiff is not correct as there is no settlement reached between the plaintiff and the defendants.

Without going into the matter whether the parties have settled their disputes amicably or compromised between the parties, this Court only on the basis of written instruction received by the advocate on record on 11th November, 2024 and on the basis of submission made by the advocate on record of the plaintiff allowed the plaintiff to withdraw the suit.

Accordingly, CS-COM/368/2024 and all connected applications are dismissed as withdrawn.

Interim order/orders, if any, stand vacated.

(KRISHNA RAO, J.)