

IA NO: GA-COM/1/2024  
APOT/286/2024  
WITH  
CS-COM/470/2024

IN THE HIGH COURT AT CALCUTTA  
In appeal from its  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CIVIL APPELLATE JURISDICTION  
[COMMERCIAL DIVISION]

A D ELECTROSTEEL CO PRIVATE LIMITED  
VS  
GRECO INTERNATIONAL LIMITED AND ANR

Before:  
The Hon'ble Justice I. P. MUKERJI  
And  
The Hon'ble Justice PARTHA SARATHI SEN  
Date: 4<sup>th</sup> September, 2024

Appearance:  
Mr. Arik Banerjee, Adv.  
Mr. Shaunak Ghosh, Adv.  
Mr. Rajib Mullick, Adv.  
Ms. Ayantika Saha, Adv.  
...for the Appellant

Mr. Satadeep Bhattacharyya, Adv.  
Mr. Ayan Dutta, Adv.  
Ms. Tiana Bhattacharyya, Adv.  
Mr Mehboob Rahman, Adv.  
for the respondents

The Court: Order in terms of prayer (a) of the stay petition.

We formally admit the appeal.

As the point involved is very short, we propose to dispose of this appeal, dispensing with all formalities.

We find no infirmity in the impugned judgement and order of the learned single judge dated 12<sup>th</sup> July 2024 where his lordship has observed that the defendant no.2, whose role was mainly as a witness, was not required to be impleaded as a party and directed deletion of its name.

While upholding the impugned judgement and order, we observe that soon after conclusion of evidence, if the learned judge hearing the suit is of the view that the presence of the defendant no.2 is required for complete and effective adjudication of the suit, at that point of time, he may direct the presence of the said defendant at the time of argument.

The appeal (APOT/286/2024) and the stay application (IA NO:GA-COM/1/2024) are, accordingly, disposed of.

(I. P. MUKERJI, J.)

(PARTHA SARATHI SEN, J.)

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