

OD-8

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

CS/198/2024

M/S V K UDYOG LTD
VS
THIMMISSETTY VIJAYA KUMAR PROP. OF VARSHINI GENERAL TRADING CO

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 25, 2024.

Appearance:

Ms. Sneha Singhania, Adv.

Ms. Sreenita Thaker, Adv.

...For the plaintiff

The Court: Ms. Sneha Singhania, learned Counsel, is appearing for the plaintiff.

The matter is listed as "Presentation of Complaint" but when the matter is called the Counsel for the plaintiff submits that the disputes between the parties are connected with the commercial matter and the plaintiff has also initiated pre-institution mediation process and non-starter report has been received on 24th June, 2024 but inadvertently, the plaintiff has filed the present suit before this Court instead of Commercial Division.

Counsel for the plaintiff prays for liberty to withdraw the suit with the liberty to file before the appropriate Court on the self-same cause of action and also prays for allowing the plaintiff to use the Court fees in the suit if the plaintiff filed the same in Commercial Division.

Considering the submissions made by the Counsel for the plaintiff, the CS/198/2024 is dismissed as withdrawn with the liberty to file afresh before the appropriate forum and the department is directed that if the plaintiff files the suit before the appropriate forum the court fees used in the suit may be allowed to use the court fee in the said suit.

(KRISHNA RAO, J.)

S.De