

ORDER SHEET

APOT/361/2024
WITH
CS-COM/726/2024
IA NO: GA-COM/1/2024

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
(Commercial Division)

SARAOGI UDYOG PRIVATE LIMITED
VERSUS
ELANGO VAN SANJAY SAMPATH

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 20th November, 2024.

Appearance:

Mr. Satadeep Bhattacharyya, Adv.

Mr. Uttam Sharma, Adv.

Ms. Vrinda Kedia, Adv.

...for the appellant

The Court: The plaintiff filed a suit against the defendant describing him as the sole proprietor of Karun Group of Companies. The suit was heard ex parte pursuant to an order passed by a learned Single Judge on 28.03.2023. The plaintiff adduced oral and documentary evidence. The learned Single Judge dismissed the suit as from the documents disclosed it appears that the name of the defendant is nowhere mentioned as sole proprietor of the aforesaid Karun Group of Companies. It appears that the plaintiff has produced a copy of the GST certificate downloaded from the portal of the Goods and Services Tax, Government of India, States and Union Territories to substantiate that the defendant is carrying on a business under the trade name 'Karun Group of Companies'. However, this document was not exhibited. The said document

also furnishes the principal place of business of the defendant as 2/514 B, ARCOT ROAD, River View Colony, MANAPAKKAM, Chennai, Tamil Nadu, 600125. It appears that the address of the defendant mentioned in the cause title is incorrect and there is every likelihood that because of non service of summons, the defendant did not appear. If the defendant fails to appear and file written statement in spite of service of summons, the suit may be heard afresh after recording the satisfaction that the defendant in spite of the opportunities being given has failed to deliver its defence. The furnishing of details in the portal clearly establishes the identity of the defendant with Karun Group of Companies and in the event of non-filing of the written statement, it will be open for the Court to pronounce a judgment by applying the doctrine of non-traverse unless the Court feels that any particular issue is required to be decided on oral evidence.

The appeal and the application are disposed of with the aforesaid direction.

The suit is required to be heard afresh after completion of all the formalities.

The writ of summons shall be issued at both the addresses.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)