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ORDER SHEET

CS 231 of 2023

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

MAHESH THAKUR

VS.

KANHAIYA REALTOR PRIVATE LIMITED PREVIOUSLY KNOWN AS M/S.
DREAM HOMES PRIVATE LIMITED & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 24th January, 2024.

Mrs. Suparna Mukherjee, Mr. Triptimoy Talukder, Mr. Diptomoy Talukder,
Advocates for the proposed plaintiff.

The Court : The plaint has appeared for presentation. The proposed plaintiff intends to withdraw the plaint with liberty to file a fresh on the self-same cause and further prays for return of the court fees already paid to be used for the purpose of the fresh suit. Unless the plaint is presented, the suit is not instituted. The plaint has appeared in the list under the heading 'Presentation of Plaint' only on being filed in the computer section of this Court with court fees, pursuant to which a suit number has been allotted. The plaint has technically not entered the records of the Court.

At this stage in view of the prayer made, the plaint is directed to be returned to the plaintiff with the court fees upon completion of all formalities with liberty to file a fresh on the self-same cause if permissible in law. The department is directed to de-register the suit number from the

records. The plaintiff will be entitled to use the same court fees for instituting a fresh suit in absence of any other statutory embargo.

(ARINDAM MUKHERJEE, J.)

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