

3.
29-07-2025
(Ct. no.37)
debajyoti
(Bench ID
266301)

TRP (COMM) 2 of 2025

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IA NO:CAN/1/2025

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CAN/2/2025

Devendra Kumar Ojha

Vs.

Sugriv Singh

Mr. Varun Kothari,
Mr. Aditya Chakraborty,
Ms. Ankita Upadhyay

... For the Appellant.

Dictated by Arijit Banerjee, J.

Re : CAN/2/2025

1. This is an application for condonation of delay of 857 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

2. The application being CAN 2 of 2025 is, thus, allowed.

Re : TRP (COMM)/2/2025 & CAN/1/2025

3. The plaintiff filed Money Suit No.565 of 2021 in the Court of Civil Judge (Senior Division), 1st Court at Barasat, North 24-Parganas, in the non-commercial division.

4. Learned advocate for the appellant/plaintiff says that the suit should have been filed in the commercial division. Therefore, an application has been made before the learned trial Court under Section 15 of the Commercial Courts Act, 2015 (hereinafter '2015 Act') for transfer of the suit from the non-commercial division to the commercial

division of that court. That application was filed in September, 2022. However, till date, that application has not been heard or disposed of. Hence, this appeal.

5. This appeal is not maintainable going by Section 13 of the 2015 Act, read with Order 43 Rule 1 of the Code of Civil Procedure. We do not want to make any comment on the merits of the application made by the plaintiff under Section 15 of the 2015 Act. However, we would expect the learned trial Court to dispose of that application on an early date.

6. The appeal and the connected application are, accordingly, disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Om Narayan Rai, J.) (Arijit Banerjee, J.)