

Sl.24
22.09.2025
Court No.6
BP

C.O. 3500 of 2025

Essential Logistics Private Limited
-versus-
Shree Raj Metalloys Private Limited

Mr. Pratip Mukherjee
Ms. Rima Banerjee
Mr. Aditya Chakraborty
Mr. P. Biswas
..for the petitioner

After some argument the learned advocate appearing for the petitioner submits that even assuming that the plaint cannot be rejected under the provisions of Order 7 Rule 11 of the Code of Civil Procedure, but the plaint should be directed to be returned under the provisions of Order 7 Rule 10 of the Code of Civil Procedure. According to the learned advocate for the petitioner, the dispute cannot be said to be a commercial dispute.

Without entering into the merits of such submission made by the learned advocate for the petitioner, C.O. 3500 of 2025 stands disposed of without interfering with the order impugned but by giving liberty to the petitioner to file an appropriate application in accordance with law before the learned trial judge. If such an application is filed the learned trial judge shall consider and dispose of the same in accordance with law after giving an opportunity to the opposite parties to file

a written objection thereto and by giving an opportunity of hearing to the respective parties.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)