

Court No. 6
(265719)

01.09.2025
(A 27)
(S. Banerjee)

CO 4251 of 2024

Paulami Bhattacharya
Vs.
M/s. Labtechnologies

Mr. Subir Banerjee
Mr. Sudipta Kumar Das
Mr. Soumya Chatterjee

... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated August 29, 2024 passed by the learned 7th Judge, City Civil Court at Calcutta in Commercial Suit No. 8 of 2022. By the order impugned, the application under Order 7 Rule 11 of the Civil Procedure Code stood rejected.

Learned advocate appearing for the petitioner submits that since the instant suit is a commercial suit, the mandatory provision under Section 12A of the Commercial Courts Act, 2015 ought to have been complied with. He submits that due to non-compliance of the provisions of Section 12A of the Commercial Courts Act, the plaint is liable to be rejected.

The learned trial judge held that the instant suit is a suit for recovery of money amounting to Rs. 2,15,159/- along with interest therein. The learned trial judge rightly held that the Commercial Courts Act is not applicable to the instant suit. The order impugned rejecting the application under Order 7 Rule 11 of the Civil Procedure Code does not call for any interference.

Accordingly, CO 4251 of 2024 stands dismissed.

(Hiranmay Bhattacharyya, J.)