

OD-8

ORDER SHEET

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

CS/19/2025

RECMET ALLOYS PVT LTD
VS
VAISHALI GAVHANE AND ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : February 19, 2025.

Appearance:

Mr. Jishnu Chowdhury, Sr. Adv.
Mr. Moti Sagar Tiwari, Adv.
Mr. Sailendra Tiwari, Adv.
Mr. Satrajeet Sen, Adv.
Ms. Muskan Jalan, Adv.
... for the plaintiff

The Court: Mr. Jishnu Chowdhury, learned Senior Advocate, is appearing for the plaintiff.

Though the matter is listed as "Presentation of Plaintiff" but by an Order dated 13th February, 2025, this Court has admitted the plaintiff subject to scrutiny by the department. Now, learned Counsel for the plaintiff submits that after going through the plaintiff, it was found that the dispute between the parties is commercial in nature but inadvertently, the plaintiff has filed their suit before this Court and as such the plaintiff intends to withdraw the suit with the liberty to file the same with the same cause of action before the Commercial Court.

Counsel for the plaintiff prays for refund of the court fee so that the plaintiff can use the said court fee at the time of filing of the suit before the Commercial Court.

Heard learned counsel for the plaintiff. Perused the materials on record.

The Plaintiff is granted leave to withdraw the suit with liberty to file afresh with the same cause of action. The department is directed to refund the court fee with the liberty to use said court fee at the time of filing of the suit in the commercial division.

CS/19/2025 is dismissed as withdrawn with liberty to file afresh before the appropriate Court of law.

(KRISHNA RAO, J.)

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