

OD-2

ORDER SHEET

CS 40 of 2025

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

M/S. MUTTON MAHAL
VS.
CLIMAXGLOBAL EXIM PVT. LTD. & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 8th April, 2025.

Mr. Shantanu Mishra, Md. Sayeed Khan,
Advocates for the plaintiff.

The Court : Neither the plaintiff nor any of the defendants either carries on business or dwell or personally work for gain within the Ordinary Original Civil Jurisdiction of this Court. The suit is for money lent and advanced on the basis of an agreement pleaded in the plaint which also appears to have taken place outside the jurisdiction. The jurisdiction of this Court is sought to be invoked on the basis of the bank transaction said to have been taken place within the jurisdiction of this Court. So far as bank transactions are concerned in the present regime of digital transaction, the same can be done even from outside without physically being present. The plaintiff has sought for leave under Clause 12 of the Letters Patent, 1865 as also leave under Order II Rule 2 of the Code of Civil Procedure, 1908 to institute the suit in this Court.

On a plain reading of the plaint and in the light of the discussion

above, I find that the appropriate Court will be as per the provision of Sections 16 to 20 of the Code of Civil Procedure, 1908 as no part of the cause of action allegedly appears to have arisen within the jurisdiction of this Court. The plaint is, therefore, directed to be returned to the plaintiff upon completion of necessary formalities along with the court fees. The plaintiff will be at liberty to file a suit in accordance with law before the appropriate forum by making use of the court fees already put in for instituting this suit. The entire exercise should be completed within three weeks from date.

The department shall de-register the suit number from the records of the Court.

(ARINDAM MUKHERJEE, J.)