

OCD-1

ORDER SHEET

APOT/109/2025

IA NO: GA-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

M/S. S G KAREL AND SONS JEWELLERS PRIVATE LIMITED
VS
M/S. MADAN LAL AGARWALLA JEWELLERS AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date : 18th July, 2025.

Appearance:

Mr. Gunjan Shah, Adv.

Ms. Shreya Agarwal, Adv.

...for the appellant

Mr. Pranay Mukherjee, Adv.

Mr. Pourush Bandopadhyay, Adv.

...for the respondent

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against an order dated February 18, 2020, passed by a Learned Judge of our Court in GA-COM/4/2024 filed in CS-COM/669/2024, whereby the Learned Judge allowed an application under Order I Rule 10 of the Code of Civil Procedure made by the defendant no.4 in the suit for deletion of his name from the array of defendants. Therefore, the name of the defendant no.4 stands expunged from the list of the defendants in the suit.

Being aggrieved, the plaintiff has come up by way of this appeal.

In our opinion, this appeal is not maintainable on a conjoint reading of Section 13 of the Commercial Courts Act, 2015 and Order XLIII Rule 1 of the Code of Civil Procedure. In this connection, the learned Advocate for the respondent/defendant no.4 has also relied on a Division Bench decision of our Court in the case of *Odisha Slurry Pipeline Infrastructure Ltd. and Another vs. IDBI Bank Ltd. and Others*, reported in 2022 SCC OnLine Cal 3951, paragraphs 22 and 23.

In view of the aforesaid, learned Advocate for the appellant sought leave to withdraw this appeal with leave to pursue such other remedy that the plaintiff may have.

Such leave is granted.

The appeal is dismissed with liberty to the plaintiff to pursue such other remedy it may have in law.

Let the certified copy of the order impugned be returned to learned Advocate-on-Record for the appellant upon a photocopy of the same being furnished for being kept with the records.

(ARIJIT BANERJEE, J.)

(RAI CHATTOPADHYAY, J.)