

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/58/2025

SMT MONALISA MAJUMDAR AND ANR
VS
MESSRS BENGAL SUPPLY AGENCY AND ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: May 8, 2025.

Appearance:
Mr. S.S. Roy Adv.
...for the plaintiffs

1. Mr. S. S. Roy, learned Advocate, is appearing for the plaintiffs.
2. The matter is listed under the heading "Presentation of Complaint".
3. The plaintiff has filed the present suit praying for a decree declaring that the alleged deed dated 25th January, 2024 as null and void and other consequential reliefs.
4. The plaintiff has also prayed for leave under clause 12 of the Letters Patent, Order II, Rule 2 of the Code of Civil Procedure and exemption of pre-institution mediation process under section 12A of the Commercial Courts Act, 2015.
5. Heard the learned Counsel for the parties.
6. This Court finds that the husband of the plaintiff no. 1 and father of the plaintiff no. 2 died on 10th February, 2017. He was one of the partners of the defendant no. 1.
7. After the death of the husband of the plaintiff no. 1, the defendants in the month of November, 2017 had requested the plaintiff to take the total lump sum amount of Rs. 45 lakhs but the plaintiff was not

agreed with their request and plaintiff had requested the defendant to induct the plaintiff as one of the partners in the partnership firm.

8. The Counsel for the plaintiff submits that now the defendant instead of inducting the plaintiff no. 1 as partner in the partnership firm, the defendants have sold the property in the month of January, 2024 and has also shifted the business to another place.
9. This Court finds that the defendants have already sold the property in the month of January, 2024 by way of registered Deed of Conveyance and as such, this Court did not find any urgency to grant leave under section 12A of the Commercial Courts Act. Counsel for the plaintiff prays for withdrawal of the suit with liberty to approach for the pre-institution mediation.
10. In view of the above, the plaintiff is granted leave to withdraw the suit. Accordingly, CS-COM/58/2025 is dismissed as withdrawn with liberty to approach for pre-mediation process and if the mediation process is failed, the plaintiff is at liberty to take appropriate steps in accordance with law.
11. Counsel for the plaintiff submits that the plaintiff has also deposited the court fees of Rs. 50,000/-. The department is directed to refund the court fees to the plaintiff and the plaintiff is at liberty to use the said court fees, if any, occasion arises to file the suit in the instant matter.
12. Counsel for the plaintiff submits that the plaintiff is a widow and she has no source of income and she is not in a position to engage the lawyer.

13. In view of the above, the plaintiff is at liberty to approach before the State Legal Service Authority for appointment of an advocate for proper advice to the plaintiff in the matter.

(KRISHNA RAO, J.)

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