

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/140/2025
WITH
CS/40/2025
IA NO: GA/1/2025

M/S MUTTON MAHAL
VS
CLIMAXGLOBAL EXIM PVT LTD AND ORS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE OM NARAYAN RAI
Date : May 22, 2025.

Appearance :

Mr. Rishad Medora, Adv.
Mr. Shantanu Mishra, Adv.
Mr. Md. Sayeed Khan, Adv.
Mr. Rafi Khan, Adv.
...for the appellant.

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against an order dated April 8, 2025, whereby a learned Single Judge of this Court declined to grant leave under Clause 12 of the Letters Patent, 1865, to the appellant who proposed to file a suit after obtaining such leave. Hence this appeal.

We have gone through the plaint. The short case of the appellant/plaintiff is that the plaintiff lent and advanced money to the defendant no. 1. Such money was transferred from the plaintiff's bank account outside the Ordinary Original Civil Jurisdiction of this Court to the bank account of the defendant no. 1 within the Ordinary Original Civil Jurisdiction

of the Court. In our opinion, this would suffice for grant of leave under Clause 12 since such transfer would constitute part of the plaintiff's cause of action. There are other pleadings in support of the prayer for Clause 12 which we do not deem necessary to address in view of our opinion recorded above.

The order under appeal is set aside. Leave is granted to the appellant/plaintiff under Clause 12 of the Letters Patent.

Accordingly, APOT No. 140 of 2025 along with GA No. 1 of 2025 are disposed of.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)