

OD-5

ORDER SHEET

CS 62 of 2025

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

PRANAB KUMAR ROY
VS.
DEBMALYA BANDYOPADHYAY

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 25th July, 2025.

Ms. Sucharita Roy, Advocate for the plaintiff.

The Court : The plaint is appearing in the list for being presented. The plaintiff's cause of action is damages suffered on account of alleged defamatory statements communicated through electronic mail by the defendant in connection with a case before the Supreme Court of Justice, Ontario, Canada.

The plaintiff admittedly stays outside the Ordinary Original Civil Jurisdiction of this Court. The defendant presently stays at Brampton, Canada but has his permanent residence at Durgapur, West Bengal. The plaintiff submits that since the plaintiff and the defendant do not reside within the Ordinary Original Civil Jurisdiction of this Court, this Court may lack the territorial jurisdiction to receive, try and determine this matter. The plaintiff seeks to withdraw the plaint for the same being filed in the appropriate Court. Inasmuch as the plaint has not been presented and admitted, the suit has not been instituted, as a consequence whereof the

return of the plaint under the provisions of Order VII Rule 10 of the Code of Civil Procedure, 1908 (in short 'CPC') is not permissible. However, since the plaint has not entered the records of this Court which happens only after its presentation and admission, there is no embargo in the department returning the plaint by applying the provisions analogous to that of Order VII Rule 10 of CPC.

In the aforesaid facts and circumstances, the plaint is directed to be returned to the plaintiff along with the Court fees, if any, for being presented before the appropriate Court. The department is directed to de-register the suit number from the database after return of the plaint on completion of the requisite formalities.

(ARINDAM MUKHERJEE, J.)