

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

ALP/10/2025
DEBASISH KUMAR AND ORS.
VS
ANANTA KUMAR GHOSH & ORS.

BEFORE:
HON'BLE JUSTICE DINESH KUMAR SHARMA
Date : 27th August, 2025

Appearance :
Ms. Bansuri Swaraj, Sr. Adv.(VC)
Mr. Shuvasish Sengupta, Adv.
Mr. Pushan Kar, Adv.
Mr. Souvik Majumdar, Adv.
Ms. Ranjeeta Rohatagi, Adv.(VC)
Ms. Anyapurba Banerjee, Adv.
Ms. Ana Upadhyay, Adv.(VC)
Ms. Ajeyaa Choudhury, Adv.
Mr. Saurabh Guha, Adv. (VC)
Mr. Aurin Chakraborti, Adv.
Mr. Yuvraj Kashyap, Adv.
...for petitioners
Mr. Nalin Kohli, Sr. Adv.
Mr. Rajarshi Dutta, Adv.
Mr. Pranit Kr. Bag, Adv.
Mr. Suyash Goverdhan, Adv.
Mr. Dhaar Shah, Adv.
Ms. Rituparna Chatterjee, Adv.
Mr. Anshul Mallick, Adv.
Ms. Khushboo Chowdhury, Adv.
Ms. Megha Yadav, Adv.
Ms. Sadia Sultana, Adv.
...for respondents

The Court: - The present petition has been filed under Clause 13 of the Letters Patent, 1865 for transfer of Title Suit No. 4 of 2023, renumbered as Title Suit No. 48 of 2023 (Mani Square -vs.- Subhas Kumar & Ors.) pending before Learned Commercial Court at Alipore to this Court. Ms. Basuri Swaraj, learned Senior Counsel for the petitioners submits that the Co-Ordinate Bench of this Court in ALP 2 of 2025 vide order dated 27th

March, 2025 directed that the Commercial Suit No. 48 of 2023 (renumbered as Title Suit No. 4 of 2023) to be tried analogous along with Title Suit No. 469 of 2023. Learned Senior Counsel submits that the Learned Commercial Court, Judge is conducting the Trial in a manner, that is causing serious apprehension in the mind of the petitioners and, therefore, in the interest of justice the Commercial Suit being TS 4 of 2025 be transferred to this Court.

Ms. Bansuri Swaraj, Learned Senior Counsel has further submitted that the learned Commercial Court Judge has confirmed the ex parte order and granted occupational charges against the petitioner despite the fact that there was no compliance of Order 39 r.4 CPC and their application for vacation of stay is not being decided. Learned Senior Counsel further submits that Commercial Court Judge keeping this application pending is proceeding with the hearing on the application of the opposite party.

Ms. Bansuri Swaraj, learned Senior Counsel, therefore, submits that in the interest of justice the Commercial Suit No. 48 of 2023 be withdrawn from the Ld. Judge Commercial Court and be tried by this Court.

Mr. Nalin Kohli, Learned Senior Counsel for the opposite party submits that the present petition is not maintainable as the issue of transfer of Commercial Suit No. 48 of 2023 has already been considered and decided by the Co-Ordinate Bench of this Court and vide a detailed order inter alia, directed that the Commercial Suit No. 48 of 2023 and Title Suit No. 469 of 2023 be tried analogous by the Commercial Court at Alipore. Learned Senior Counsel further submits that in fact petitioners are delaying the matter, whereas the Learned Commercial Court Judge is strictly complying with the order of this Court.

The Court has considered the submissions. It is a matter of record that the issue as to the transfer of Commercial Suit No. 48 of 2023 has already been considered by this Court in ALP 2 of 2025. The Co-ordinate Bench of this Court vide detailed order issued, inter-alia, directions for analogous trial of Commercial Suit being 48 of 2023 and Title Suit 469 of 2023. Therefore, this Court considers that at this stage the transfer of Commercial Suit No. 48 of 2023 from the Learned Commercial Court at Alipore to this Court is not warranted. As far as the apprehension of the petitioners is concerned this Court reiterates in unequivocal terms and directs that the learned Commercial Court at Alipore shall conduct the Trial in analogous manner of Commercial Suit No. 48 of 2023 and Title Suit No. 469 of 2023 expeditiously in accordance with law.

With the able assistance of both the learned Counsel it appears that in Title Suit No. 48 of 2023 the interim applications IA/2/2023, IA/3/2023 and IA/28/2025 are pending. Similarly, in Title Suit 469 of 2023 an application under Order 7 R.11 CPC (not numbered) is pending. The learned Trial Court is directed to dispose of all the pending interim applications as expeditiously as possible and within 30 days after giving the parties an opportunity of being heard. The application being IA/28/2025 be heard and decided first as it may have some impact on the fate of the suit.

With these observations, the petition stands disposed of.

(DINESH KUMAR SHARMA, J.)