

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IA NO. GA/2/2025
WITH
CS/54/2023
In
APOT/346/2024

JAI DURGA EXPRESS LOGISTICS LLP AND ORS.
VERSUS
MAHAMANI PLAZA PVT. LTD.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 5th March, 2025.

Appearance:

Mr. Santanu Mishra, Adv.

Ms. Shweta Poddar, Adv.

...for the appellants

Mr. Shailendra Jain, Adv.

Ms. Swati Agarwal, Adv.

...for the respondent/plaintiff

1. This is an application for extension of time to deposit Rs.30 lakhs as a condition precedent for defending the suit.
2. The matter was adjourned from time to time in order to enable the parties to arrive at a settlement. The respondent/plaintiff was even agreeable to accept Rs.25 lakhs as full and final settlement of its claim during the hearing of the appeal to put an end to the controversy. The present appellant, however, did not agree to such proposal. The aggregate value of the cheques dishonoured is little over Rs.25 lakhs.

3. The order was passed on 2nd January, 2025. Till this date, the said amount was not deposited. The default clause has come into operation.
4. However, for the ends of justice, the time to deposit Rs.30 lakhs is peremptorily extended by two weeks from date. In default, the suit shall be heard ex parte.
5. In view of the fact that the settlement has failed, we give liberty to the plaintiff to proceed with its original claim in the pending suit.
6. GA/2/2025 is disposed of.
7. Since no affidavit-in-opposition is filed, the allegations made are deemed to have been denied.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)