

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
COMMERCIAL APPELLATE DIVISION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**AO-COM/65/2025
ABINANDAN HOLDINGS PRIVATE LIMITED
VS.
JM FINANCIAL ASSET RECONSTRUCTION
COMPANY LIMITED AND ANR.
IA NO: CAN/1/2025, CAN/2/2026**

*For the Appellant : Mr. Saptangsu Basu, Ld. Senior Advocate
Mr. Abhrajit Mitra, Ld. Senior Advocate
Mr. Sushovit Dutt Majumder, Advocate
Mr. Sarosij Dasgupta, Advocate
Mr. Sagnik Shaw, Advocate*

*For the Respondent No.1 : Mr. Mainak Bose, Ld. Senior Advocate
Mr. Y. Bhattacharyya, Advocate
Ms. Akansha Yadav, Advocate*

Heard & Judgment on: May 7, 2026

Debangsu Basak, J.

1. Appeal is at the behest of the plaintiff in a suit for specific performance and directed against Order No. 50 dated December 17, 2025 passed in TS (Com)-39 of 2024.
2. We disposed of a connected appeal emanating out of another order passed in TS (Com)-39 of 2024 today.

3. By the impugned order, learned Trial Judge rejected the application for relief against forfeiture on the ground that, no irreparable loss and injury was shown to be caused to the plaintiff, if the relief was refused.
4. On the parity of the reasoning as noted by us in our order passed today in respect of the connected appeal, we find no ground to interfere with the order impugned. The appellant as the plaintiff is not ready and willing to deposit the monetary value ingrained in the agreement which the appellant as the plaintiff seek specific performance in the suit.
5. **AO-COM/65/2025** along with the connected applications are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

6. I agree

(Md. Shabbar Rashidi, J.)