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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/25/2026
IA NO: GA-COM/1/2026

JITENDRA AGARWAL & ORS.
VS
PULAK MODI & ORS.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date: 23rd February, 2026.

Appearance:

Mr. Ranjan Bachawat, Sr. Adv.
Mr. Shuvasish Sengupta, Adv.
Mr. Bhavesh Garodia, Adv.
Mr. Orijit Chatterjee, Adv.
Ms. Swati Dalmia, Adv.
Ms. Safura Ahmed, Adv.
Ms. Sabarni Mukherjee, Adv. ...for appellants.

Mr. Suman Kumar Dutt, Sr. Adv.
Mr. Sounak Mukhopadhyay, Adv.
Mr. Anuj Singh, Adv.
Mr. Paritosh Sinha, Adv.
Ms. Shrayashee Das, Adv.
Mr. Tridibesh Dasgupta, Adv.
Ms. Anukriti Agarwal, Adv. ...for respondents.

1. The appeal is directed against judgment and order dated 6th January, 2026 passed by a single Bench of this Court. By the said order two applications being GA-COM/3/2024 and GA-COM/7/2025 filed by the plaintiffs/defendants in CS-COM/728/2024 respectively were disposed of after receiving affidavits.
2. GA-COM/3/2024 was filed in furtherance of an ad interim order dated 13th August, 2024 passed in GA-COM/1/2024 was filed by the plaintiffs/respondents, under section 151 of the CPC. The pleadings and

prayers, however, indicate that the application was for attachment before judgment.

3. By a detailed ad interim order dated 13th August, 2025 comprising of 24 pages the bank account of the appellants/defendants with the Federal Bank, C.R. Avenue Branch was attached to the extent of Rs.6.94 crores approximately.
4. GA-COM/2/2024 was filed by the appellants/defendants, inter alia, for revocation of leave under Section 12A of the Commercial Courts Act, 2015 and for rejection of plaint. The said GA-COM/2/2024 was dismissed by the single Bench at the ad interim stage.
5. During the pendency of GA-COM/1/2024, the plaintiffs/respondents filed GA-COM/3/2024 making a formal prayer for attachment before judgment and for a direction on the appellant to disclose particulars of all bank accounts operated by him. In essence, the single Bench was desirous of ascertaining the net worth of the appellants/defendants to ascertain as to whether it could satisfy the decree that may be passed it. Yet another reason for filing GA-COM/3/2024 was that the bank had refused to disclose any other particulars of bank account of the defendants/appellants and a paltry sum compared to the claim of the plaintiffs/respondents, was available in the bank account referred to in the order dated 13th August, 2025.
6. By the impugned order, the single Bench disposed of GA-COM/3/2024, allowing all prayers of the plaintiffs/respondents. GA-COM/7/2025 was formally dismissed after the prayer for attachment made by the defendants/appellants, was pro tanto adjusted in the interim reliefs for attachment claimed by the plaintiffs/respondents.

7. There are some observations in the impugned judgment dated 6th January, 2026 that may not be correct. The single Bench in the impugned order observed that GA-COM/1/2024 disposed of and has been upheld by a Division Bench in order dated 1st December, 2025 passed in AO-COM/32/2024. This court, however, notes that in the order dated 1st December, 2025 (supra), a Co-ordinate Bench had left all questions open to be argued by the parties in the pending GA-COM/1/2024 where only an ad interim order was passed.
8. This court is of the view that GA-COM/3/2024 ought not to have been considered by the single Bench or disposed of when GA-COM/1/2024, the main application for attachment before judgment couched as an application under section 151 of the CPC, was still pending. The application after exchange of affidavits in its final hearing, could have ramifications on GA-COM/3/2024. This court, is therefore, of the view that GA-COM/3/2024 could not have been disposed of without GA-COM/1/2024 being disposed of.
9. Having regard to the above and given the fact that both sides have substantial money claims as well as claims for damages against one and other, this court is inclined to keep in abeyance the impugned judgment and order dated 6th January, 2026 passed in GA-COM/3/2025.
10. Since the affidavits are complete in GA-COM/1/2024, single Bench is requested, subject to its business permitting, to take up GA-COM/1/2024 and dispose of the same at the earliest and in accordance with law.
11. It is thereafter that the parties would be entitled to re-argue GA-COM/3/2024, with the observations in the impugned judgment dated 6th January, 2026 being deemed as prima facie and tentative.

12. It is made clear that this court has not decided any of the rival claims on the merits or the interim reliefs sought by the parties. The Single Judge shall proceed to deal with the matters on their own merits.

13. With the aforesaid observations, APOT/25/2026 stands disposed of.

(RAJASEKHAR MANTHA, J.)

(MD. SHABBAR RASHIDI, J.)

pkd.