

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APD/7/2025

SETH JWALA PRASAD BHARTIA CHARITABLE TRUST AND ANR.
VS
SRI ARVIND BHARTIA

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK
AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date : May 8, 2026.

Appearance:

Mr. Swarnendu Ghosh, Sr. Adv.
Mr. Debdut Mukherjee, Adv.
Mr. Aditya Kanodiya, Adv.
Mrs. Shreya Trivedi, Adv.
...for the appellants.

Mr. Suman Kr. Dutt, Sr. Adv.
Mr. Mohit Gupta, Adv.
Mr. A.P. Agarwalla, Adv.
...for respondent no. 1.

The Court: Appeal is directed against an order dated December 19, 2023 passed in an originating summons suit. By the impugned order, learned Single Judge held as follows:-

“The instant suit cannot be disposed of in a summary manner in view of complicated questions involved therein which demands appreciation of evidence, Continuation of the proceeding is not maintainable under the Original Side Rules. This Court cannot sustain a suit infringing any express provision of law, assuming and exercising jurisdiction not vested

upon it by law. Order of the Co-ordinate Bench cannot supplant such authority. Therefore, these originating summons proceeding is liable to be dismissed in accordance with Rule 18 of Chapter XIII of the Original Side Rules.

In nutshell the instant Petition is allowed. The suit is dismissed as being not maintainable. It is needless to state that this Court expressed no opinion on merit of the rival contentions.”

Learned Senior Advocate appearing for the appellants submits that, observations made in the impugned decision should not prevent the appellants from filing a suit on the self-same cause of action, before the appropriate forum.

Respondent no. 1 is represented.

Without entering into the issue as to whether the appeal is maintainable or nor, for the ends of justice, we deem it appropriate to observe that, the impugned decision will not prevent the parties from ventilating their grievances before an appropriate forum, in accordance with law.

APD/7/2025 is disposed of accordingly.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)