

M.S.No. 112 of 2024

Present: Sri Sudhir Kumar, Judge, Bench-VI (J.O. Code: WB00589)

Order No. 12 /Date:05.08.2026

Today the case is fixed for hearing of petition u/o VII Rule 11 of the CPC dated 12.06.2025 filed by defendant of this case stating that at the time of filing of this suit there was no commercial court under Commercial Court Act and all courts in the City Civil Court had been given power to try cases relating to commercial dispute and he relied upon the judgment passed by Hon'ble Court in FMAT No. 376 of 2024. Accordingly he prayed before this court by filing petition u/o VII Rule 11 of the CPC that the plaint in this case should be rejected.

On the other hand Ld. Lawyer of the plaintiff also relied on the same judgment and almost same contention that at the time of filing of the suit in the year 2024 there was no commercial court in City Civil and it came into existence after filing of the instant suit. In support of his contention he also filed photocopy of invitation card of constituting commercial court in City Civil Court from 21.08.2025. Hence, he submitted to transfer the case to Commercial Court instead of rejecting the plaint in this case. When I perused the judgment passed by Hon'ble Mr. Justice Sabyasachi Bhattacharjee and Hon'ble Mr. Justice Uday Kumar in FMAT No. 376 of 2024 I find that Hon'ble Court has clearly directed that till constitution of Commercial Court in City Civil Court all suits of commercial in nature will be filed in all benches of City Civil Court, Calcutta. Now the Commercial Court came into existence hence the instant suit needs to be transferred vide Gazette Notification 156 JL, 157 JL and 158 JL dated 20.03.2020 to Commercial Court and this notification has been communicated to this court through Ld. Chief Judge City Civil Court, Calcutta.

Hence considering the cited judgment as well as gazette notification it is a fit case to transfer to Commercial Court instead of rejecting plaint of this case as because it will give rise of multiplicity of suit. Moreover I further find that the value of this suit is more than Rs.300,000/-, hence Commercial Court is the proper court where it should be transferred for its disposal.

Hence, it is,

Ordered

that the instant petition u/o VII Rule 11 of the CPC is hereby allowed in part only in respect of transferring the case to Commercial Court, City Civil Court, Calcutta.

D.A is directed to send the case record to Commercial Court by 09.09.2026.

Both parties are directed to appears before the Ld. Judge, Commercial Court, City Civil Court, Calcutta.

Dictated & corrected by me

Judge, Bench-VI,

Judge, Bench-VI
City Civil Court, Calcutta.