

Present: Smt. Suparna Ray (JO Code: WB00711)
Judge, Commercial Court at Alipore
Title Suit(Com) 04 of 2025
(CNR no. WBSP18-000059-2025)

Order No. 24
01.09.2025

In the matter of:
Suit for declaration and permanent
injunction valued at Rs.60,000/-and
Rs.5,000/-respectively total
Rs.65,000/-.

And

In the matter of:
DEBASISH KUMAR & 04 ORS.

V/S

ANANTA KUMAR GHOSH &
08 ORS.

ORDERED

Today is fixed for awaiting order of the Hon'ble High Court and for further order.

Hazira filed on behalf of the plaintiff through Ld. Advocate.

Ld. Advocate for the plaintiff present.

Hazira filed on behalf of the defendant through Ld. Advocate.

Ld. Advocate for the defendant is present.

Plaintiff filed the order of Hon'ble High Court at Calcutta passed in A.L.P. No. 10 of 2025 vide order dated 27.08.2025.

It appears that in the said order the Hon'ble High Court at Calcutta has been pleased to observe as follows:

“.....The Court has considered the submissions. It is a matter of record that the issue as to the transfer of Commercial Suit No. 48 of 2023 has already been considered by this Court in ALP 2 of 2025. The Co-ordinate Bench of this Court vide detailed order issued, inter-alia, directions for analogous trial of Commercial Suit being 48 of 2023 and Title Suit 469 of 2023. Therefore, this Court considers that at this stage the transfer of Commercial Suit No. 48 of 2023 from the Learned Commercial Court at Alipore to this Court is not warranted. As far as the apprehension of the petitioners is concerned this Court reiterates in unequivocal terms and directs that the learned Commercial Court at Alipore shall conduct the Trial in analogous manner of Commercial Commercial Suit No. 48 of 2023 and Title Suit No. 469 of 2023 expeditiously in accordance with law.

With the able assistance of both the learned Counsel it appears that in Title Suit No. 48 of 2023 the interim applications IA/2/2023, IA/3/2023 and IA/28/2025 are pending. Similarly, in Title Suit 469 of 2023 an application under Order 7 R. 11 CPC (not numbered) is pending. The learned Trial Court is directed to dispose of all the pending interim applications as expeditiously as possible and within 30 days after giving the parties an opportunity of being heard. The application being IA/28/2025 be heard and decided first as it may have some impact on the fate of the suit.

With these observations, the petition stands disposed of....”

In view of the direction of the Hon’ble High Court, fix **03.09.2025 from 4:00 p.m. to 4:30 p.m** for reply by the defendant nos. 8 and 9 to the application filed under Order VII Rule 11 read with Section 151 of CPC filed on 18.10.2023 and also for filing written notes of arguments by the contesting defendants in respect of the aforesaid application.

Parties to act on the basis of the downloaded copy of the ordersheet from the Web-site/E-courts- app.

Dictated & corrected by me,

Sd/-

*Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram*

Sd/-

*Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram*