

**Present: Sri Srikumar Goswami (JO Code WB00714)**

**Judge, Commercial Court at Alipore.**

**Money Suit 39/2019**

**(CNR no. WBSP18-000113-2019)**

**Order no. 18**

**05.02.2021**

*In the matter of :  
Suit for recovery of money  
valued at Rs.3 Crores.*

*And*

*In the matter of :  
Austin Distributors Pvt. Ltd.*

*Vs.*

*In the matter of :  
Sayan Sarker.*

**Appearance for the Plaintiff:**

*Mr. Ramesh Chandra Saha ... Ld. Counsel.*

*Ms. Payel Saha ... Ld. Counsel.*

**Appearance for the Defendant:**

*Mr. Lokenath Chatterjee ... Ld. Counsel (virtually).*

*Mr. Hiran Chatterjee ... Ld. Counsel.*

**ORDERED**

**(Through Hybrid Mode)**

- 1. Today is fixed for hearing of the demurrer application filed by the Defendant being I.A. no. 120/2020.*
- 2. Both parties file their respective haziras.*
- 3. Ld. Counsel for the Defendant, Mr. Lokenath Chatterjee appears virtually before this Court.*
- 4. At this stage, on behalf of the Defendant, an order of the Hon'ble High Court at Calcutta dated 21.01.2021 in connection with **C.O. no. 1470 of 2020** has been filed.*

5. *Vide the above order, the Hon'ble Court has been pleased to direct this Commercial Court to accept the W/S filed by the Defendant and proceed with the suit in accordance with law after holding case management hearing and by prescribing timelines for compliances by the parties.*

6. ***In view of the order of the Hon'ble Court, the W/S is hereby accepted.***

7. *The necessary order for holding case management will be passed after disposal of the demurrer application being I.A. no. 120/2020.*

**I.A. no. 120/2020**

8. *The instant I.A. is taken up for hearing.*

9. *Heard both sides.*

10. *Fix **15.02.2021** for passing order.*

11. *Written notes of argument if any, to be filed by either party in the meantime.*

Dictated and corrected by me,

Sd/-

Judge, Commercial Court at Alipore,  
For South 24 Parganas, Purba Midnapore  
and Paschim Midnapore.

Sd/-

Judge, Commercial Court at Alipore,  
For South 24 Parganas, Purba Midnapore  
and Paschim Midnapore.