

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Money Suit No. 37 of 2022
CNR No. WBSP18-000128-2022

Order No. 07

Date: 19.08.2023

In the matter of:

Suit for recovery of valued at Rs.
130,91,23,440/- approx.

AND

In the matter of:

Quippo Energy Ltd.

Vs.

RB Commodities Ltd.

Order

Today is fixed for passing order in respect of application being **I.A. No. 01 of 2022.**

Hazira is filed by the Plaintiff through its Ld. Advocate.

I.A. No. 01 of 2022

The instant application is filed by the Plaintiff herein under Order 6 Rule 14A and Rule 17 of the Code of Civil Procedure, 1908 seeking for proposed amendment to the cause title of the plaint in pursuance of the Schedule of Amendment as averred therein.

On bare perusal of the instant application it appears that the instant money suit was initially filed before the Ld. Civil Judge (Sr. Division) at Sealdah and the same was numbered as **Money Suit No. 12 of 2021** therein. The said suit by virtue of an Order dated September 3, 2022 passed by the said Ld. Court transferred to this Court considering the subject matter of the suit as commercial in nature. Then the instant suit has duly been renumbered as **Money Suit No. 37 of 2022** herein and has started to embark on before this Court.

Reason which thrusts the Plaintiff to file the instant application is two folds. One is that during the pendency of the instant suit before the Ld. Civil Judge (Sr. Division) at Sealdah the name of the Plaintiff Company was changed from “Quippo Energy Limited” to “Samsara Energy Limited” on and from April 8, 2021. The copy of the Certificate of Incorporation pursuant to change of name issued by the Office

of the Registrar of Companies, Kolkata, West Bengal dated April 8, 2021 annexed with this application is showing the truthfulness of the same.

The second reason is that the summons issued to the Defendant on September 8, 2021 by the Ld. Civil Judge (Sr. Division) at Sealdah had returned undelivered because of registered address of the Defendant has changed.

Ld. Counsel appearing for the Plaintiff as regards, has stated that the aforesaid events have occurred subsequent to filing of the plaint before the Ld. Civil Judge (Sr. Division) at Sealdah, and prayed for that it has become just, necessary and expedient to amend the Plaint approximately for the ends of justice, by recording the present the address of the Defendant and to show the correct name of the Plaintiff as per Schedule of Amendment delineated in the instant petition.

Heard.

Considering all, this Court is of the view that the proposed amendment should be allowed for effective adjudication of the instant suit.

As such, the prayer is allowed to the effect by amending the cause title of the plaint in the manner that the existing name of the Plaintiff be deleted and, in its place, the new name, "**Samsara Energy Limited**" be incorporated and the address of the Defendant be deleted in the cause title of the Plaint and in paragraph no. 3 of the plaint and in its place, the new address of- **Workshop E2-6, 2F Hang Fung Industrial Building, Phase 2, No. 2G Hok Yuen Street, Kowloon, Hong Kong**, shall be incorporated.

Post the matter on **16.09.2023 at 11:00 a.m.** for filing amended plaint by the Plaintiff before this Court corresponding with the direction as reflected in this Order. Plaintiff is further directed to take fresh step by serving summons along with amended plaint upon the Defendant in accordance with this Order and also file an affidavit to that effect on the returnable date.

Accordingly, the **I.A. No. 01 of 2022** is hereby disposed of.

D.A. is directed to do needful.

Note in register accordingly.

The concerned party is to act on the basis of the downloaded copy of the Order-sheet from the Web site/E-courts-app.

Dictated and corrected by me,

Sd/-

Judge, Commercial Court at Alipore,
for South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram

Sd/-

Judge, Commercial Court at Alipore,
for South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram