

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA No.GA 3 of 2021
In
CS 89 of 2021
SURENDRA SINGH BENGANI
VS.
GYAN NIDHI TRUST & ORS.

IA No.GA 4 of 2021
In
CS 89 of 2021
SURENDRA SINGH BENGANI
VS.
GYAN NIDHI TRUST & ORS.

IA No.GA 1 of 2021
In
CS 89 of 2021
SURENDRA SINGH BENGANI
VS.
GYAN NIDHI TRUST & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 21st March, 2023.

Mr. Rohit Banerjee, Mr. Virendra Singh Bengani, Advocates for the
plaintiff.
Mr. Abhrajit Mitra, Sr. Adv., Mr. Suddhasatva Banerjee, Ms. Radhika
Singh, Advocates for defendant nos.1 & 2.

The Court : GA 3 of 2021 is an application by the defendant no.2
inter alia for rejection of plaint and in the alternative return of the plaint.
The return of the plaint is sought for on the ground that this Court lacks
territorial jurisdiction inasmuch as the defendant no.2 is admittedly
residing and/or working for gain outside the Ordinary Original Civil

Jurisdiction of this Court. It is apparent that no leave under Clause 12 of the Letters Patent, 1865 has either been prayed for or obtained at the time of institution of the suit. The plaintiff says that all the defendants except the defendant no.2 are within the jurisdiction and as such, the plaintiff is seeking advice whether to amend the plaint and pray for leave under Clause 12 to keep the suit in this Court.

Considering such submission, this application is adjourned and shall appear in the monthly list of May, 2023.

The other two applications being GA 4 of 2021 and GA 1 of 2021 are also adjourned and shall appear in the monthly list of May, 2023.

(ARINDAM MUKHERJEE, J.)