

**In The High Court at Calcutta
Commercial Division
Original Side**

CS-COM/31/2026

CHHAYA PRAKASHANI LIMITED
VS
NEW LEKHAPARA

**BEFORE:
The Hon'ble JUSTICE ANIRUDDHA ROY
Date: March 23, 2026.**

Appearance:
Mr. F. Ghaffar, Adv.
..for the plaintiff.

The Court: The non-starter report dated **February 17, 2026** at **page 70** to the plaint shows that the pre-litigation mediation between the parties has failed. Since the defendant carries on business within the jurisdiction of this Hon'ble Court, there is no requirement of praying for leave under **Clause 12 of the Letters Patent, 1865**. The prayer is irrelevant and baseless.

Reading the statements from the plaint, it appears to this Court that the plaint has been filed claiming price of goods sold and delivered allegedly by the plaintiff to the defendant. The statement made in the plaint shows that there is no supporting averment claiming leave under **Order II, Rule 2 of CPC**. As such, since the supportive averment is not there and considering the nature of the plaint, there is no scope or occasion for granting leave under **Order II, Rule 2 of CPC**. Once again, a baseless prayer is made.

The attempt to present this plaint praying for leave, as prayed for, in view of the above finding of this Court is nothing but sheer waste of valuable time of Court.

In view of the above, the plaintiff shall pay the cost for a sum of **Rs. 10,000/-** in favour of the **“Calcutta High Court Legal Services Committee”** either by cheque or by transferring fund in the electronic mode, but positively within **one week** from date.

Subject to payment of the above cost and upon production of the evidence showing payment of cost, the plaintiff shall be at liberty to present the plaint before the learned master in accordance with law.

(ANIRUDDHA ROY, J.)

Arsad