

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

CS-COM/33/2026

T. E. THOMSON AND COMPANY LIMITED
VS
MUSICAL FILMS PRIVATE LIMITED

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

Appearance:
Mr. Chayan Gupta, Adv.
Mr. Rittick Chowdhury, Adv.
Mr. Dwip Raj Basu, Adv.

The Court: Mr. Chayan Gupta, learned advocate appears for the plaintiff.

This is a suit for eviction filed by the landlord-plaintiff against the tenant-defendant. The suit was initially filed in the **year 2018** before the Non-commercial Division. However, in the light of the provisions laid down under the **Commercial Courts Act, 2015**, it is submitted on behalf of the plaintiff that cause of action is commercial in nature and, accordingly, the original suit has already been transferred/returned to Commercial Division of this Court and has been registered as **CS-COM/33/2026**.

Mr. Chayan Gupta, learned advocate appearing for the plaintiff submits that since the suit has already been returned to the Commercial Division, there is no scope for making any prayer for dispensation of pre-litigation mediation upon contemplating an urgent relief as provided under **Section 12A of the C.C. Act**.

Accordingly, on the prayer of Mr. Chayan Gupta, learned advocate, leave, as prayed for in the plaint, is **struck off**. The department shall once

again scrutinize the plaint and if any deficiency is found, the plaintiff shall be at liberty to correct the same strictly in accordance with law.

(ANIRUDDHA ROY, J.)

Arsad