

ORDER SHEET
OCD-2

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM 354 OF 2024
(OLD CASE NO. CS 41 OF 2022)
IA NO. GA 1 OF 2022, GA 3 OF 2022 & GA 5 OF 2022
IN THE MATTER OF :

KLG TRADEFIN PVT. LTD.
VS
ASHOKA HAWAI AND SHOES PVT. LTD.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 1st March, 2024.

Appearance:
Mr. Suresh Kumar Shani, Adv.
Ms. Anjana Banerjee, Adv.
For plaintiff
Mr. Debangha Basu, Adv.
For defendant

The Court :- The matter has been placed in the list by the department in view of an order of the Hon'ble Supreme Court dated 11th December, 2023.

It is submitted by the parties that the hearing of the suit remained stayed in view of the matter being pending before the Hon'ble Supreme Court.

It appears from the order of the Supreme Court dated 11th December, 2023 that the Hon'ble Supreme Court has requested for expeditious hearing of the suit. In order to take up the hearing of the

suit, it is necessary to ascertain whether the suit has become ripe for hearing.

In the aforesaid facts and circumstances, the department shall apprise the Court as to the following:

- (1) Whether the Writ of Summons had been served on the defendant, if so, on which date ?
- (2) Whether the defendant has filed its Written Statement, if so when ?
- (3) If the Written Statement has been filed whether discovery and inspection of documents are complete.
- (4) Department shall also inform the Court as to the stage of discovery and inspection if there has been partial discovery and inspection.
- (5) The department shall apprise the Court as to whether admission and denial of documents have taken place, if discovery and inspection is complete.

The answers to the above queries shall be placed in form of a report on or before the next date of hearing.

In the event the Writ of Summons has not been served the learned advocate for the defendant shall take specific instruction as to whether he can accept the service of the Writ of Summons dispensing with formal service on the defendant. The learned advocate for the

defendant shall also take instruction as to how soon the Written Statement, if the same has not been filed, can be filed.

These information are required as the learned advocate for the defendant submits that he is a new entrant to the matter and is not aware of these facts. The learned advocate for the plaintiff at the same time is also not in a position to provide all information.

Let this matter appear in the list on 14th March, 2024.

(ARINDAM MUKHERJEE, J.)

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