

OCD - 1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

CS/78/2018

INDIAMART INTERMESH LIMITED
VS
ANKIT & ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 30, 2023.

Appearance:

Mr. S.K. Bajoria, Adv.
..for the plaintiff

Mr. Samik Sarkar, Adv.
Mr. Pradeep Pandey, Adv.
...for the defendant No. 11

Mr. Emon Bhattacharyya, Adv.
Ms. Pooja Saha, Adv.
..for the defendant No. 21

Mr. Utpal Bose, Sr. Adv.
Mr. Phiroje Edulji, Adv.
Ms. R. Mukherjee, Adv.
Ms. S. Chowdhury, Adv.
..for the defendant No. 27

Mr. Soumay Roychowdhury, Adv.
Mr. Amitesh Ray, Adv.
..for the defendant No. 3

The Court: Counsel for the defendant Nos. 3, 11, 21 and 27 are present.

Counsel for the plaintiff is present through virtual mode.

It is found from record that by an order dated 17th January, 2022 this Court has transferred the present suit from Original Division to Commercial Division and directed the plaintiff to take appropriate steps in accordance with law.

By an order dated 14th February, 2022 this Court had granted further two weeks time to the plaintiff for taking appropriate steps by the plaintiff in terms of the order dated 17th January, 2022.

It is found from record that after transfer of the suit from Original Division to Commercial Division, the plaintiff has not taken any steps in compliance of the provision of the Commercial Courts Act by making necessary amendment, filing the Statement of Truth, filing the list of documents and also not complied with the Order XI Rule (6) as amended in terms of Commercial Courts Act, 2015.

Counsel for the defendant No. 3 also pointed out that the plaintiff has not complied with the provision under Order VI Rule 18 of the CPC.

It is also found from record that the Deputy Sheriff of this Court has submitted the report wherein it is mentioned that the writ of summons could not be sent by speed post due to non-availability of the sufficient name of the addressee.

Considering the report and the order passed by this Court, the plaintiff is directed to take appropriate steps for compliance of the provision of the Commercial Courts Act and to provide the name of the addressee, so as to enable for issuance of writ of summons to the defendants.

Counsel for the defendant Nos. 3, 11 and 21 prays for leave to file *Vakalatnama* within three weeks. Prayer is allowed.

Counsel for the appearing defendants submits that the writ of summons has been served upon the defendants in terms of the Ordinary Original Civil Jurisdiction and not in accordance with the Commercial Courts Act.

Accordingly, the plaintiff is directed to serve the fresh writ of summons upon the appearing defendants by making necessary amendment in the plaint as required under law.

The plaintiff is directed to complete all formalities within four weeks from date.

Let the matter appear on 5th October, 2023.

(KRISHNA RAO, J.)

Sbghosh