

OD-7

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

IA NO. GA/8/2025
In CS/88/2024
ANUMATI CONSULTANCY AND SERVICES PRIVATE LIMITED
Vs
WELLSIDE GLOBAL PRIVATE LIMITED
.....

IA NO. GA/6/2025
In CS/88/2024
ANUMATI CONSULTANCY AND SERVICES
PRIVATE LIMITED
Vs
WELLSIDE GLOBAL PRIVATE LIMITED
.....

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 31st July, 2025.

Mr. Sankarsan Sarkar, Adv.
Mr. Mayank Kakrania, Adv.
...for petitioner in item no.7 and respondent in item no.17.

Mr. Pranit Bag, Adv.
Mr. P. Banerjee, Adv.
Ms. Rishika Sarkar, Adv. ...for plaintiff in item no.7.

The Court : The controversy in these matters relates to three separate suit numbers. The suit was initially instituted as a Commercial Suit and the plaint on being presented and admitted was numbered as CS/142/2020. At that point of time, no separate Commercial Suit number was allotted to commercial suits. All suits instituted contained suit number serially allotted, be that a commercial suit or a suit in the Ordinary Original Civil Jurisdiction. On a perusal of the report filed by the Registrar, Original Side dated 24.7.2025 this fact is apparent. The plaint filed in the said suit which

was a commercial suit was directed to be returned for being presented before the Ordinary Original Civil Jurisdiction by an order dated 24.11.2022. Although, the plaint was directed to be returned by an order dated 24.11.2022 but the formalities required thereto for return of the plaint from the Commercial Division for being presented in the Ordinary Original Civil Jurisdiction appears to have not been carried out for which by an order dated 13.04.2023 the interlocutory Judge allowed correction of the cause title, to re-affirm and re-verify the plaint and to allot a number in the Ordinary Original Civil Jurisdiction. It also appears that re-verification and reaffirmation of the plaint was done on 20.4.2023.

Pursuant to the Gazette Notification dated 23.11.2023 separate numbers were allotted to suits filed in the Commercial Division. In such backdrop as it appears from the report of the learned Registrar, Original Side of this Court, a Commercial Suit number being CS(Com)/210/2024 was allotted to the suit to replace the number CS/142/2020. By that time, as the plaint was directed to be returned and presented in the Ordinary Original Civil Jurisdiction and for allotment of a number in that division, it appears that on being so presented a number was allotted to the said suit being CS/88/2024 which is also apparent from the report of the learned Registrar, Original Side of this Court. The suit continues now to be identified as CS/88/2024 and the previous numbers, i.e., CS/142/2020 and CS(Com)/210/2024 stood deleted.

In this application, which is made under the provision of Section 151 of the Code of Civil Procedure, 1908 (in short, CPC), the defendant has sought for dismissal of the suit. This application is GA/8/2025. There is another application being GA/7/2025 made by the plaintiff under the provision of Order XII Rule 6 of CPC. There is also another application being GA/6/2025 wherein the plaintiff has prayed for issuance of fresh Writ of Summons after the suit has been numbered as CS/88/2024 on having been filed in the Ordinary Original Civil Jurisdiction of this Court. Although, the report filed by the Registrar, Original Side of this Court says that correction, re-verification and reaffirmation of the plaint have been done on 20.4.2023, but the fact remains that there is no endorsement or order as to when the plaint was presented and admitted in the Ordinary Original Civil Jurisdiction.

In the aforesaid facts and circumstances, the Registrar, Original Side of this Court is directed to file a further report after making inquiry about the following facts :-

- a. When was the plaint presented and admitted in the Ordinary Original Civil Jurisdiction after being directed to be returned from the Commercial Division and filed in the Ordinary Original Civil Jurisdiction?
- b. Before whom was the plaint on being returned from the Commercial Division presented and admitted for institution of the suit in the Ordinary Original Civil Jurisdiction?
- c. What was the reason for allotting suit no. CS/223/2023 ?

Let such report be filed by next Thursday [07.08.2025].

Let the matter appear on 12th August, 2025.

(ARINDAM MUKHERJEE, J.)

pkd.