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ORDER SHEET

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

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 27th August, 2025.

Appearance:

Mr. Pranit Bag, Adv.

Mr.Subhajit Ghosh, Adv.

for the plaintiff.

Mr.Sankarsan Sarkar, Adv., Mr. Mayank Kakrania, Adv.

for the defendant.

The Court: This is an application by the defendant in the suit for rejection of the plaint and dismissal of the suit primarily on the ground that the suit has not been properly instituted by presenting the plaint and getting the same admitted.

The facts of the case in short is as follows.

The suit was originally presented and admitted in the commercial

division of this Court with a number CS/142/2020. At that point of time no separate suit number was allotted to Commercial Suits and as such it was numbered as CS 142 of 2022.

By an order dated 24th November, 2022 the plaint was directed to be returned to the plaintiff for being presented in the Ordinary Original Civil Jurisdiction of the Court on the same day as the Court found that the suit is not maintainable as a commercial suit.

The plaint on being returned to the plaintiff on 24th January, 2023 has been presented before the Ordinary Original Civil Jurisdiction of the Original Side of this Court as recorded in the order dated 13th April, 2023 passed by Krishna Rao, J.

The department without checking the records that the plaint had been returned from the Commercial Division and has been presented in the Ordinary Original Civil Jurisdiction had allotted a commercial suit number to the said suit after the Gazette Notification of the Commercial Courts Rules of this Court on 23rd November, 2023. The suit therefore had the initial number as CS/142/2020 got a commercial number as CS(COM) No.210 of 2024 but the suit continued on the records as CS/142/2020 as will appear from the orders dated 20th March, 2023, 27th March, 2023 and 13th April, 2023. In the meantime, a further number was allowed to the suit being CS (Com)/223/2023. The suit has been ultimately numbered as CS/88/2024 which is the present number of the suit.

Although, I had called for reports from the department but it is not at all clear from the reports as to why four suit numbers had been allotted to the

same suit to create a confusion as to the identity of the suit.

The defendant has also raised a point that from the reports filed by the Registrar, Original Side and the department it is not clear as to when the plaint was presented and admitted in the Ordinary Original Civil Jurisdiction after being returned to the plaintiff.

After considering the various orders and the reports filed by the department there may be an ambiguity as to when the plaint was presented and admitted but I have to proceed on the basis of the order dated 13th April, 2023 wherein it is recorded that the plaint on being returned to the plaintiff on 24th January, 2023 was presented in the Ordinary Original Civil Jurisdiction of this Court on the same date.

The ambiguity as appears to me that filing of the plaint in the Central Filing Department on being returned to the plaintiff on 24th January, 2023 has been construed to be presentation of the plaint which may not be correct position but in the given facts of the case I have to accept that the plaint was presented and admitted in the Ordinary Original Civil Jurisdiction of this Court on 24th January, 2023 as recorded in the order dated 13th April, 2023.

It is clarified that the present suit is identified and to be henceforth known as CS/88/2024 and shall be deemed to have been presented and admitted in the Ordinary Original Civil Jurisdiction of this Court on 24th January, 2023.

The department is directed to delete the other suit numbers from the database after properly verifying the records.

In the aforesaid facts and circumstances, the application made by the

plaintiff is disposed of with the clarification as aforesaid.

(ARINDAM MUKHERJEE, J.)

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