

IA No. GA/6/2025
In
CS/88/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

ANUMATI CONSULTANCY SERVICES PRIVATE LIMITED
VS
WELLSIDE GLOBAL PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 2nd September, 2025.

Appearance:
Mr. Pranit Bag, Adv.
Mr. Subhajit Ghosh, Adv.
For plaintiff
Mr. Sankarsan Sarkar, Adv.
Mr. Mayank Kakraniak Adv.
For defendant

The Court:- The suit has a chequered history. It was initially filed in the commercial division. Then on an application by the defendant the plaint was returned for being filed in the ordinary original civil jurisdiction by a judgment and order dated 24.11.2022. Although, there was a dispute as to whether the plaint has been presented or admitted in

the ordinary original civil jurisdiction but such fact has been taken care of by passing an order dated 27th August, 2025 in GA/8/2025 by relying upon the recording in the order dated 13th April, 2025 passed in G.A. 5 of 2021.

In this application the plaintiff seeks to lodge the writ of summons. Although the plaint has been presented on 24th January, 2023 as recorded in of the order passed by the Co-ordinate Bench on 13th April, 2025 there had been a complete mix up in the matter arising out of allotment of four suit numbers to the same suit which has been considered and clarified in the order dated 27th August, 2025 passed in G.A. 8 of 2025.

In the aforesaid facts and circumstances, although the plaintiff was to take expeditious steps for issuance and lodging the writ of summons for being served on the defendant and there is admitted delay on its part but due to the chain of events as briefly narrated hereinabove, the plaintiff cannot be solely held responsible for the delay and the delay cannot be held to be fatal to dismiss the suit on the ground of not lodging the writ of summons for more than two years.

The time to have the writ of summons issued and lodged with the department is extended subject to payment of costs assessed at 200GMs. payable to the High Court Legal Services Committee within 9th September, 2025. Only after payment of costs, the department shall take necessary steps for issuance and accepting the summons on being lodged for service.

Nothing further remains in this application to be adjudicated.

Since I have not called for any affidavit, the allegations contained in this application are deemed to have not been admitted by the defendant.

The application being GA/6/2025 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

Sb/