

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/1/2025
In CS-COM/64/2025

MAHARSHI COMMERCE LIMITED
Vs
ABDUL REHMAN KURESHI

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 23rd September, 2025.

Appearance:

Mr. Avinash Kankani, Adv.
Mr. Rohit Banerjee, Adv.
Mr. Suman Majumder, Adv.
..for the plaintiff

1. Plaintiff has filed the present application praying for amendment in the plaint only with regard to addition of the e-mail address of the defendant in the cause title as proposed in the proposed amendment appearing at page number 90 of the present application.
2. Counsel for the plaintiff submitted that after filling of the suit, the plaintiff has taken appropriate steps for issuance of writ of summons upon the defendant but the plaintiff has received the report from the Deputy Sheriff of Calcutta of this Court dated 21st August, 2025 wherein it reveals that through the process server of the learned District and Sessions Court, at Ghaziabad attempted to serve the writ of summons upon for the defendant but the same could not be served for the reason that the office could not be traced out and the people present their told that there is no shop and any person with this name. The plaintiff has also tried to serve the writ of summons through postal

service but the same has also not been served upon the defendant and was returned back to the sender.

3. Counsel for the plaintiff draws the attention of this Court to the provisions of Order 5, Rule 21 of the Code of Civil Procedure and submits that the writ of summons can be served upon the defendant through the e-mail address of the defendant.
4. The Counsel for the plaintiff has also draws the attention of this Court to the High Court at Calcutta, Commercial Courts Practice Direction 2001 of Chapter 4 Rule 17 (3) of the said direction and submitted as per the said directions also the writ of summons can be served upon the defendant through the e-mail address. The plaintiff has also drawn the attention of this Court to the agreements entered between the parties, wherein it is mentioned that the e-mail address of the defendant is supremeconcast@gmail.com, shahrukh_zenab@hotmail.com;
5. Considered the submission made by the counsel for the plaintiff. Perused the Order 5, Rule 21 of the Code of Civil Procedure as well as Chapter 4, Rule 17(3) of the High Court, Calcutta, Commercial Court Practice Direction 2001 this Court finds that in the agreement, it was agreed between the parties that the correspondence can be made between the parties through the e-mail address and e-mail address has been provided in the agreement.
6. It is also found that the document which the plaintiff has relied upon in the suit several correspondences have been made between the parties in the said e-mail. Thus, this Court is of the view that if the plaintiff is allowed to amend the cause title of the plaint as proposed in the

proposed amendment appearing at page 90, none of the parties will be prejudiced and the same will not change the nature and character of the suit.

7. Accordingly, the department is directed to make necessary amendment by incorporating the e-mail address of the defendant in the cause title of the plaint as proposed by the plaintiff at page 90 of the present application within a period of two weeks after the ensuing puja vacation.
8. The plaintiff is given liberty to re-verify and re-affirm the affidavit of the plaint within a week thereafter. After the completion of the process of the amendment, the plaintiff is directed to take appropriate steps for issuance of writ of summons upon the defendant through the e-mail address. The department is directed to take appropriate steps for issuance of writ of summons upon the defendant through the e-mail address
9. GA-COM/1/2025 is disposed of.

(KRISHNA RAO, J.)