

OD -20, 21, 26 & 29

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

IA NO. GA/4/2025
In CS/150/2020
KRISHNA KUMAR BHATTER
Vs
SUDHA KANKARIA

IA NO. GA/5/2025
In CS/150/2020
KRISHNA KUMAR BHATTER
Vs
SUDHA KANKARIA

IA NO. GA/3/2025
In CS/150/2020
KRISHNA KUMAR BHATTER
Vs
SUDHA KANKARIA

IA NO. GA/1/2021
In CS/150/2020
KRISHNA KUMAR BHATTER
Vs
SUDHA KANKARIA

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 25th March, 2026

Appearance:
Mr. Chayan Gupta, Adv.
Mr. Samriddha Sen, Adv.
Mr. Kaushik De, Adv.
Mr. Raghav Munshi, Adv.
Ms. Mohini Majumdar, Adv.
Ms. Ayelita Ghosh, Adv.
...for the Plaintiff

Mr. Subroto Goswami, Adv.
Mr. Debrup Bhattacharya, Adv.
Mr. Siddharth Singh, Adv.
...for the Defendant

The Court: GA 4 of 2025 is filed by the Defendant, praying for stay of the instant suit. It is contended that prior to institution of this suit, Title Suit No. 1104 of 2019 had been filed by the Defendant in the City Civil Court at Calcutta against the present Plaintiff. The subject matter of the both the suits are the same, namely, money lent by the present Plaintiff to the Defendant or in other words the debt existing between the present parties.

The Learned Counsel for the Defendant contended that subject matter of both the suits and issues are same and also between the same parties which warrants stay of the present suit instituted later in point of time.

Affidavit-in-opposition as well as supplementary affidavit-in-opposition was filed.

It was contended by the Plaintiff that subject matter of the suits are not exactly in the same and the prior suit, namely, Title Suit No. 1104 of 2019 was dismissed for default on 14th November, 2025. However, an application for restoration is still pending. According to the Learned Counsel for the Plaintiff, the prior suit is not pending.

I have heard rival submissions.

From the copy of the plaint annexed to the application, it is evident that the previous suit, namely, Title Suit No. 1104 of 2019, instituted in a 9th Bench of City Civil Court at Calcutta, is for declaration that the communication dated 25th February, 2019 and some other letters issued on behalf of the Defendant are bad in

law with consequential prayer of deliver up and cancellation of such documents. Basically, these letters are demand notice under which the present Plaintiff claimed repayment of the money lent. The present suit is for recovery of money lent. Previous suit was only confined to the demand notice whereas the instant suit is filed for recovery of money having a larger ambit and different issues. Only a small part of the present dispute is in issue in Title Suit No. 1104 of 2019. Therefore, issues in both the suits are not same though both the parties may be same. Secondly, as of now, the earlier suit has been disposed of; not a pending one. Therefore, it is not fit case where provisions of Section 10 of the Code of Civil Procedure, 1908 shall be squarely applicable.

Accordingly, the instant application being GA 4 of 2025 stands dismissed.

Fix 20th May, 2026 for hearing other applications.

(SUGATO MAJUMDAR, J.)