

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/147/2024

SWAPAN LOKE VYAPAAR PRIVATE LIMITED
-VS-
MSP INFRASTRUCTURES LTD.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : June 26, 2024.

Appearance:

Mr. Aman Agarwal, Adv.

Ms. Rupal Singh, Adv.

Ms. Niharika Singh, Adv.

...For the Plaintiff

The Court: Mr. Aman Agarwal, learned Counsel, is appearing for the plaintiff. Though the plaintiff has not prayed for any leave as the plaintiff and the defendant both are within the jurisdiction of this Court but the learned Master and Official Referee (In-Charge) has submitted the report dated 11th June, 2024 on the ground that it is of the view of the Master that the transaction is commercial in nature but the suit has been filed under the Ordinary Original Civil Jurisdiction of this Court.

Counsel for the plaintiff submits that the plaintiff has made out a simple case of money lent and advanced for an amount of Rs. 2,42,00,000/- (Rupees two Crore Forty-two lakh only) to the defendant on the assurance that the defendant will repay the same with interest but the defendant has not paid the said amount and accordingly, the plaintiff has issued the notice. In spite of the issuance of the notice no amount has been paid and the plaintiff has filed the suit.

Considering the submissions made by the Counsel for the plaintiff and after perusing the plaint, this Court prima facie is of the view that the suit is not of the commercial in nature. Let the matter be placed before the Master for taking appropriate steps.

(KRISHNA RAO, J.)

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