

OCD-27

ORDER SHEET

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

[COMMERCIAL DIVISION]

IA NO: GA-COM/5/2024
[Old No. CS/74/2023]
IN CS-COM/494/2024

RAIJADA MARBLES AND ORS.

-Vs-

ROYALBUILT INFRASTRUCTURE PRIVATE LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO
Date : November 29, 2024.

Appearance :

Mr. Deepnath Roy Chaudhury, Adv.

Mr. Debraj Sahu, Adv.

Mr. Bhaskar Dwivedi, Adv.

Mr. H. Singh, Adv.

...for the plaintiff

Mr. Pratip Mukherjee, Adv.

...for the defendant.

The Court: Mr. Deepnath Roy Chaudhury, learned counsel, is appearing for the plaintiff.

Mr. Pradip Mukherjee, learned counsel, is appearing for the defendant.

The defendant has filed the present application being GA-COM/5/2024, praying for a direction for framing of a preliminary issue with regard to jurisdiction of this Court.

Counsel for the plaintiff submits that the defendant has not filed the written statement even within the outer limit of 120 days. Accordingly, this Court has closed the opportunity of filling written statement by the

defendant and this Court has fixed the suit as undefended suit and fixed for witness action in the month of January 2025.

Considering the above, this Court finds that though the suit has been placed in the list of the undefended list and is fixed for witness action but the cross examination of the plaintiff's witness is not closed. It is upon the defendant if the defendant intend to cross examine the plaintiff witness, he is at liberty to cross examine.

The application filed by the plaintiff be kept with the record for hearing of the case at final hearing on the date fixed.

Let GA-COM/5/2024 be placed along with CS-COM/494/1994.

(KRISHNA RAO, J.)

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