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ORDER SHEET

IA NO.GA/1/2019 (Old No.GA/2521/2019)

In

CS/193/2019

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

ERA BANTHIA
VERSUS
M/S. SHIVSONS AND ORS.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date: 3rd March, 2021.

(Via Video Conference)

Appearance:
Mr. Debdut Mukherjee, Adv.

Mr. Saunak Sengupta, Adv.

The Court: Learned Advocate appearing for the petitioner relies upon the judgment and order dated January 11, 2021 passed by the Hon'ble Supreme Court in Civil Appeal Nos.3802 – 3803/2020 (M/s. N.N. Global Mercantile Pvt. Ltd. Vs. M/s. Indo Unique Flame Ltd. & Others) and the order dated December 11, 2019 passed by the High Court in AP No.373 of 2019 (Ramesh Viniyog Pvt. Ltd. Vs. Solar (overseas) Engineering Co. & Ors.). Learned advocate appearing for the plaintiff relies upon the following judgments :

1. (2009) 4 CHN 415 (M/s. GTZ (India Pvt. Ltd.) vs. Power Electronic Engineers & Ors.),

(2010) 4 CHN (Cal) (Sri Gopal Kr. Bhalotia & Ors. vs. Anirudh Trade and Agencies Pvt. Ltd. & Anr.

He submits that, the original agreement is with him. The plaintiff is ready and willing to produce the original document for the purpose of impounding, if the Court so directs. He submits that, the plaintiff should be adequately protected.

Learned advocate appearing for the defendant relies upon the following judgments :

1. (2009) 2 Supreme Court Cases 532 (Avinash Kumar Chauhan vs. Vijay Krishna Mishra),
2. (2011) 14 Supreme Court Cases 66 (SMS Tea Estates Pvt. Ltd. vs. Chandmari Tea Company Pvt. Ltd.,
3. (2014) 6 Maharashtra Law Journal 156 (Jayraj Devidas & Ors. vs. Nilesh Shantilal Tank & Anr.).

Hearing concluded. Judgment reserved.

(DEBANGSU BASAK, J.)