



OCD-1

ORDER SHEET

APDT/20/2025
WITH
CS-COM/788/2024

IA NO: GA-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

MIHIJAM VANASPATI LIMITED AND ANR
VS
SHINING VYAPAR PRIVATE LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
AND

The Hon'ble JUSTICE OM NARAYAN RAI
Date : August 25, 2025.

Appearance:

*Mr. S. Bhattacharya, Adv.
Mr. B. Ghosh, Adv.
Ms. S. Mitra, Adv.
..for the plaintiffs*

*Mr. Rishad Medora, Adv.
Ms. Kanchan Jaju, Adv.
..for the respondent nos.1 & 2*

*Mr. K. C. Garg, Adv.
Ms. Sunita Agarwal, Adv.
..for the respondent no.3*

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against a judgment and decree dated July 7, 2025, whereby the claim of the appellants/plaintiffs has been rejected by the Learned Single Judge. The counter-claim of the defendant no.1 has been partly allowed. Costs have been awarded against the plaintiffs.



We are told that earlier, the counter-claim of the defendants had been decreed *ex parte*. The plaintiffs had challenged such *ex parte* decree before a Division Bench. By an order dated February 26, 2019, the Division Bench had set aside the decree and remanded the matter to the Learned Suit Court for fresh adjudication on condition that the plaintiffs will put in Rs.8 lakh with the Registrar, Original Side, Calcutta High Court. Such money was deposited with the Registrar, Original Side, and still lies with him/her. We are sure the money has been invested by the Registrar.

Learned Registrar, Original Side, Calcutta High Court, is requested to file a report on the next date indicating how much the said sum of Rs.8 lakh has become along with interest.

List this matter once again on August 29, 2025.

Learned Advocates for the parties are requested to immediately communicate this order to the learned Registrar, Original Side, Calcutta High Court.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)

bp.