

OCD-3

ORDER SHEET

APOT/209/2025
WITH
CS-COM/412/2024

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

MAADHAWA REALPRO PVT LTD
VS
SUSHILA JAIN AND ORS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE OM NARAYAN RAI
Date : September 12, 2025.

Appearance:

Mr. Kuldip Mallick, Adv.
Mr. Arun Kumar Upadhyay, Adv.
Mr. Dyutimoy Paul, Adv.
Mr. Shantanu Mishra, Adv.
..for the plaintiff

Mr. Sarosij Dasgupta, Adv.
Mr. Javed K. Sanwarwala, Adv.
Ms. Madhurima Halder, Adv.
Mr. Shariq A. Sanwarwala, Adv.
Ms. Sadaf Aufrin, Adv.
..for the respondent no. 1

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against a judgment and order dated June 25, 2025, passed by a Learned Judge of this Court in the Commercial Division, in GA/3/2023 and GA-COM/4/2024 filed in CS-COM/412/2024.

GA/3/2023 was the appellant's application for judgment upon admission under Order XII Rule 6 of the Code of Civil Procedure.

GA-COM/4/2024 was an application filed by the defendants in the suit under Order VII Rule 11 of the Code of Civil Procedure, for rejection of the plaint of the suit.

By the judgment and order impugned, the Learned Single Judge has dismissed both the applications. Hence, the plaintiff has come up by way of this appeal.

Learned Advocate appearing for the respondents/defendants says that this appeal is not maintainable on a reading of Section 13 of the Commercial Courts Act, 2015 read with Order XLIII Rule 1 of the Code of Civil Procedure.

Learned Advocate for the appellant seeks a little time to consider this issue and come back.

List this matter once again on September 15, 2025.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)

bp.