

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

CS/154/2005
IA NO: GA/7/2025,
GA/8/2025, GA/9/2025
THE CALCUTTA GUJARATI EDUCATION SOC. ANR
VS
KAMARHATTY CO. LTD.

BEFORE:

The Hon'ble JUSTICE ANANYA BANDYOPADHYAY

Date: 9th January, 2026.

Appearance:
Ms. Noelle Banerjee, Adv.
Mr. Dipanjan Dey, Adv.
Mr. Arka Mukherjee, Adv.
...For the plaintiff/petitioner
Mr. Chayan Gupta, Adv.
Mr. Pourush Bandyopadhyay, Adv.
Ms. Asha G. Gutgutia, Adv.
....For the defendant

The Court :- The learned Advocate representing the plaintiff has relied on the decisions in the case of T.E Thomson & Company Limited-Versus-Swarnalata Chopra Nee Kapur & Another, reported in 2025 SCC OnLine Cal 5076 and Molina Dey Versus Runa Kundu, reported in 2025 SCC OnLine Cal 6769 and has contended that this Court does not have the jurisdiction to deal with the instant suit wherein the subject matter deals with commercial transaction owing to a place as per lease agreement dated 12th December, 1972 to be exclusively utilized for office space which according to the learned Advocate representing the plaintiff is an admitted position.

The learned Advocate representing the defendant contradicted such submissions on the ground that the notice issued under Section 106 of the Transfer of Property Act on behalf of the plaintiff had not been proper since the valuation as cited in accordance to the last monthly rent paid had been Rs. 8070/- in view of the provisions under the West Bengal Court Fees Act should amount to Rs. 96,000/- and odd, much below the threshold limit of the pecuniary jurisdiction of this Court.

The learned Advocate representing the defendant further controverted that the suit be transferred to the Commercial Court. However, the learned Advocate representing the defendant concedes to the submission of the learned Advocate representing the plaintiff that the suit premises had been exclusively utilized for commercial purposes.

The next date be fixed on 9th February, 2026 for orders.

(ANANYA BANDYOPADHYAY, J.)