

**In The High Court at Calcutta
Commercial Division
Original Side**

**IA NO. GA-COM/3/2025
In CS-COM/793/2024**

THE ROMAN CATHOLIC ARCHDIOCESE OF CALCUTTA AND ORS
VS
CREATIVE CONSULTANTS

**BEFORE :
THE HON'BLE JUSTICE ANIRUDDHA ROY
Date : June 30, 2026.**

Appearance :

Mr. Sourath Nath Dutt, Adv.
Mr. Sanjay Kumar Baid, Adv.
...for the plaintiffs

Mr. Mainak Bose, Sr. Adv.
Ms. Somoshree Saha, Adv.
Ms. Pallavi Sengupta, Adv.
Mr. Subhankar Bose, Adv.
...for the defendants

The Court : This is an eviction suit filed by the plaintiff against the defendant No. 1 and/or defendants. The foundation of the suit is termination of lease. The lease was allegedly terminated by issuing a notice under **Section 106 of the Transfer of Property Act** dated **May 1 of 2021/October 29, 2021**. The notice has been issued only on the ground of forfeiture, as submitted by Mr. Sourath Nath Dutt, learned Advocate appearing for the plaintiff.

Whether the eviction suit of this nature shall be considered as a commercial litigation, the issue is pending before the Hon'ble Supreme Court in **Civil Appeal No. 4660/2021**.

Since, the core issue in this suit is identical with the issue pending before the Hon'ble Supreme Court, this Court is of the view that unless the foundation is decided before the Hon'ble Supreme Court, hearing of the suit is required to be adjourned.

Mr. Mainak Bose, learned Senior Advocate has drawn the attention of this Court to an order dated **April 23, 2026** passed by this Court in **CS-COM/708/2026**. He submits that previously also in an identical situation, hearing of the suit had been adjourned.

In view of the above, this Court is of the view that it is a fit case, at this stage, to adjourn the hearing of the instant application until the issue is finally decided by the Hon'ble Supreme Court.

The hearing of the application stands adjourned.

Parties to the suit, upon notice to each other, shall be at liberty to mention the application for further consideration after the issue is finally decided by the Hon'ble Supreme Court, if so advised.

Whenever the instant application shall be mentioned, parties shall produce a copy of today's order before the Court.

(ANIRUDDHA ROY, J.)

Sbghosh