

OCD-3

ORDER SHEET

IA No.GA 3 of 2023
IN
CS 250 of 2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

JUPITER INTERNATIONAL LIMITED
VS.
NATIONAL INSURANCE COMPANY LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 16th February, 2023.

Mr. Rohit Banerjee, Ms. Sananda Ganguli, Advocates for the applicant.

Mr. Debajyoti Datta, Mr. Arijeet Doss Mullick, Advocates for the respondent.

The Court : This is an application for substitution. The applicant says that the trade division of the plaintiff has been transferred to the applicant and as such the applicant is presently the entity who should be allowed to proceed with the suit in connection with an insurance claim against the defendant. The applicant says that the demerger of the trade division of the plaintiff in favour of the applicant took place pursuant to a final order of sanction of the scheme of demerger by the National Company Law Tribunal, Kolkata Bench (in short 'NCLT') on 11th November, 2022 which is subsequent to the filing of the suit. The applicant says that under the provision of Order XXII Rule 10 of the Code of Civil Procedure, 1908 the

applicant should be substituted as the plaintiff as there has been creation of an interest during the pendency of the suit in favour of the applicant.

However, before passing final order certain further information are required. It is necessary to know when the scheme application was filed before the National Company Law Tribunal (NCLT) for the first time. The matter is adjourned to enable the learned advocate for the applicant to take necessary instructions. Let this matter appear on 28th February, 2023.

(ARINDAM MUKHERJEE, J.)