

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/412/2024
[OLD NO. CS/182/2022]
IA NO. GA/3/2023, GA-COM/4/2024

MAADHAWA REALPRO PVT LTD
-VS-
SUSHILA JAIN AND ORS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 25th February, 2025.

Appearance:

Mr. Kuldip Mallick, Adv.
Mr. A.K. Upadhyay, Adv.
Mr. R.K. Pandey, Adv.
Mr. Shantanu Mishra, Adv.
Mr. Dyutimoy Paul, Adv.
...for the plaintiff.

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

The Court : Mr. Kuldip Mallick, learned counsel, is appearing for the plaintiff.

Mr. Sarosij Dasgupta, learned counsel, is appearing for the defendant no. 1.

Counsel for the plaintiff has argued at length in connection with GA/3/2023 wherein the plaintiff has prayed for judgment upon admission but due to paucity of time, hearing could not be completed.

Accordingly, the case is adjourned.

Counsel for the plaintiff submits that the defendant by a communication dated 4th April, 2023 has forwarded an affidavit-in-opposition in connection with GA/1/2022 in CS/182/2022 which was affirmed by the defendant on 3rd April, 2023 and the copy of the said affidavit-in-opposition is disclosed by the plaintiff in GA/3/2023 being page nos. 247 to 265.

The counsel for the plaintiff has drawn the attention of this Court to the statement made by the defendant in the affidavit-in-opposition in connection with GA/3/2023 affirmed on 27th June, 2023 at paragraph no. 13, page no. 22 stating that *“Moreover, the original incorrect affidavit is still lying with the Advocate on record of the defendant no. 1/respondent no. 1 which proves that affidavit was never filed in Court.”*

The learned counsel appearing for the defendant no. 1 submits that initially some other Advocate was representing the defendant no. 1 and as such, at present the learned counsel is not having the original copy of the affidavit which was affirmed on 3rd April, 2023.

Considering the submissions made by the counsel for the parties, the defendant no. 1 is directed to place the affidavit-in-opposition affirmed on 3rd April, 2023 in GA No. 1 of 2022 on the next date fixed. If the same is not with the defendant, the defendant shall clarify by way of an affidavit as to why the defendant has not filed the same.

List the matter on 18th March, 2025.

(KRISHNA RAO, J.)