

OD - 6

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

ORIGINAL SIDE

APOT/333/2023
CS/184/1989
IA NO.GA/1/2023

RAJA KATRA PVT. LTD.

-Versus-

PRANAY CHAND MAHATAB AND
ORS.

BEFORE :
THE HON'BLE JUSTICE I.P. MUKERJI
And
THE HON'BLE JUSTICE BISWAROOP CHOWDHURY
Date : 25th September, 2023

Appearance :
Mr.Dhruba Ghosh, Sr. Adv.
Mr.Chayan Gupta, Adv.
Mr.Anirudha Agarwalla, Adv.
Ms.P. Garain, Adv.
...for the appellant.

Mr.A.C. Kar, Adv.
Ms.Snigdha Das, Adv.
..for the respondent no.15.

The Court : Order in terms of prayer (a) of the stay petition.

We admit the appeal.

Let the appeal be heard out as expeditiously as possible dispensing with all formalities. As the respondent is represented by learned counsel, issuance and service of the notice of appeal are dispensed with.

Advocate-on-record for the appellant is directed to file informal paper book in this court by 22nd November, 2023 serving a copy thereof upon the advocate-on-record for the respondent, at least seven days before the date of hearing of the appeal.

List the appeal for hearing on 30th November, 2023.

The appellant is the plaintiff in the suit. The respondent is the defendant with a counterclaim. The counterclaim is for eviction of the appellant/plaintiff. By the impugned order the application of the appellant/plaintiff for dismissal of the counterclaim on the ground that the court has no pecuniary jurisdiction to try it was dismissed, according to the appellant, on some other ground i.e. inconsistency in pleadings. The appellant is aggrieved by this order. Mr. Dhruba Ghosh, learned senior advocate for the appellant, says that the merits have not been adjudicated upon.

On the above prima facie case, let the suit not be proceeded with further till the disposal of the appeal or until further order, whichever is earlier.

The stay application (IA No.GA/1/2023) is disposed of.

As affidavits were not invited, allegations contained in the stay petition are deemed to have been not admitted.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

