

OCD-1

ORDER SHEET

IA No.GA 2 of 2022

In

CS 223 of 2022

IN THE HIGH COURT AT CALCUTTA

ORDINARY ORIGINAL CIVIL JURISDICTION

ORIGINAL SIDE

(COMMERCIAL DIVISION)

RAJGARIA TIMBER PRIVATE LIMITED

VS.

BHOLA NATH SHAW

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 12th December, 2023.

Mr. Dhruba Ghosh, Sr. Adv., Mr. Rohit Banerjee, Ms. Sananda Ganguli, Mr. Shubradip Roy, Mr. Arindam Halder, Advocates for the plaintiff.

Ms. Sutapa Sanyal, Advocate for defendant.

The Court : The judgment in this application for rejection of plaint was reserved on 29th August, 2023. After the judgment was made ready but not delivered it came to the notice of the Court of a judgment reported in 2023 SCC OnLine SC 1382 (Yamini Manohar Vs. T.K.D. Keerthi) which appeared to have some impact on the issues involved in this application and was as such brought into the list. The plaintiff has clarified the position and has relied upon the said judgment as also The High Court at Calcutta Commercial Courts Practice Directions, 2021 which has now been notified in the Official Gazette. Relying upon the judgment in Yamini Manohar (supra) the

plaintiff submits that mere refusal of ad interim or interim order of injunction does not itself make the suit one where the plaintiff does not contemplate any urgent interim relief. Relying upon Part III and Part IV of the aforesaid Practice Directions, the plaintiff says that the suit was instituted following the provisions as enumerated therein. In view of the same, the plaint cannot be rejected as has been sought for by the defendant.

The defendant seeks an adjournment to make submissions on this issue.

Let this matter appear in the list on 19th December, 2023.

(ARINDAM MUKHERJEE, J.)