

OD - 23

IN THE HIGH COURT AT CALCUTTA
Commercial Division
ORIGINAL SIDE

IA NO. GA/1/2022
CS-COM/425/2024
RAJGARIA TIMBER PRIVATE LIMITED
Vs
BHOLA NATH SHAW

BEFORE :
THE HON'BLE JUSTICE KRISHNA RAO
Date : 16th December, 2024

Appearance :
Mr. Rohit Banerjee, Adv.
Mr. Saugata Ganguli, Adv.
....for the plaintiff.

Ms. Sutapa Sanyal, Adv.
...for the defendant.

The Court : Mr. Rohit Banerjee, counsel appearing for the plaintiff and Ms. Sutapa Sanyal, counsel appearing for the defendant. Counsel for the plaintiff has handed over a copy of the report issued by the Deputy Registrar (Legal) dated 25th November, 2024 wherein it reveals that no written statement on behalf of the defendant has been admitted. The plaintiff has also handed over a certificate issued by the Deputy Registrar (Legal) dated 22nd November, 2024 wherein it reveals that the defendant has entered appearance on 6th March, 2023. The plaintiff has relied upon service report wherein it reveals that the writ of summons was duly served upon the defendant on 24th January, 2023. Counsel for the plaintiff submits that the writ of summons was duly served upon the defendant and the defendant has entered appearance in the matter but no written statement has been filed and, thus, prayed for fixing the matter in the list for

undefended suit. Counsel for the defendant submits that the defendant is 90 years of age and if this Court will send the matter to mediation for settlement, there is every chance to settle the matter.

Counsel for the plaintiff raises objection and submits that the plaintiff company has gone through the CIRP and on behalf of CIRP counsel is contesting the suit on behalf of the plaintiff and, as such, it is not possible for the CIRP to settle the dispute as stated by the counsel for the defendant.

Considering the above, this Court finds that as the plaintiff has already under liquidation and CIRP has appointed the counsel appearing for the plaintiff to proceed with the matter, thus, it would not be appropriate at this stage to send the matter to the mediation. Accordingly, CS-COM/425/2024 be placed in the list of undefended suit but the defendant is at liberty to cross-examine the plaintiff's witness at the time of plaintiff's witness action.

List the matter on 6th February, 2025.

(KRISHNA RAO, J.)

