

**In The High Court at Calcutta
Commercial Division
Original Side**

**CS-COM/60/2024
[Old No. CS/390/2014]**

SWADHA BUILDERS PVT. LTD. & ORS.
VS
NABARUN BHATTACHARJEE AND ORS.

**BEFORE :
THE HON'BLE JUSTICE ANIRUDDHA ROY
Date: June 24, 2026.**

Appearance:

Ms. Rituparna Chatterjee, Adv.
Ms. Khusboo Choudhary, Adv.
Ms. Ayasha Kedia, Adv.
... for the plaintiffs

Mr. Rupak Ghosh, Adv.
Mr. Abhijit Sircar, Adv.
... for the defendant nos. 4, 5 and 6

The Court: Ms. Rituparna Chatterjee, learned Advocate appears for the plaintiffs.

Mr. Rupak Ghosh, learned Advocate appears for the defendant nos.4, 5 and 6.

Rest of the defendants are not represented.

The matter appears today under the heading “**Framing of Issues**”.

The order dated **June 28, 2024** passed by a Coordinate Bench shows that the defendant nos.1 to 3 though had entered appearance but did not file their written statement. Hence, the suit has already been marked **undefended** against the **defendant nos.1 to 3**. Defendant no.6 did not enter appearance, though Mr. Rupak Ghosh, learned Advocate appearing

today submits he appears, inter alia, for defendant no.6. The said order shows that the suit has already been marked as **undefended** against defendant no.6. The said order further shows that the defendant nos.4, 5 and 7 had filed written statement and the written statement of the defendant no.7 is lying defective but the defects have subsequently been cured, pursuant to the leave granted on **June 28, 2024**.

Mr. Ranajit Chowdhury, learned Advocate submits that he represented the defendant no.7/Union Bank of India. However, the bank had assigned its debt in favour of one **CFM Assets Reconstruction Private Limited** under an assignment deed dated **March 31, 2026**. Hence, the defendant no.7/Union Bank of India is now not represented and Mr. Chowdhury has received instruction from the bank not to represent the bank any further.

The record shows that the assignee of the debt, namely, **CFM Assets Reconstruction Private Limited** has not yet been impleaded, neither is represented before this Court today. Therefore, as on date, the suit stands **undefended** as against **defendant nos. 1, 2, 3 and 6**. The suit is being contested by filing written statement by the defendant nos. 4, 5 and 7 but since the defendant no.7 has already assigned its debt, as stated above, defendant no.7 is not represented any further.

The matter shall appear under the heading framing of issues **tomorrow**, i.e. on **June 25, 2026**, as the suit is directed to be disposed of in a time bound manner, by the Hon'ble Supreme Court under its order dated **May 14, 2026**.

Adjournment of today's proceeding has been granted on the prayer of Ms. Rituparna Chatterjee, learned Advocate appearing for the plaintiffs on the plea that she will take instruction from her client with regard to addition of the assignee and also on the medical ground the learned arguing Counsel.

(ANIRUDDHA ROY, J.)

RS