

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s). 887-888/2020

M/S S.H. BIRI FACTORY

Petitioner(s)

VERSUS

M/S ANUP KUMAR BISWAS

Respondent(s)

(FOR ADMISSION and IA No.77494/2020-STAY APPLICATION)

Date : 31-08-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Aftab Ali Khan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

This Petition is filed for transfer of the two Suits filed by the Respondent *M/s. Anup Kumar Biswas*, which are pending in the Court at Bangalore.

Heard Mr. Aftab Ali Khan, the learned counsel appearing for the petitioner (defendant).

The counsel submits that in respect of the third Suit i.e Suit No. 3/2019 filed by the present petitioner against the respondent, the T.P.(C) No. 3003/2019 was filed and this Court on 06.01.2020 had issued notice and in the meantime stayed the suit proceedings pending before the District Judge, Murshidabad, West Bengal.

The counsel next projects that all three Suits relate to the rival claim, to produce and sale a branded Biri. Both litigants while choosing courts at West Bengal and Bangalore belong to West Bengal only. The counsel points out that in the suit the respondent-plaintiff has given his address as belonging to 24, Parganas, West Bengal.

In view of above, let notice returnable within three weeks, be issued.

In the meantime there shall be stay of further proceedings in Suit O.S. NO. 794/2019 titled " M/s. Anup Kumar Biswas Vs. M/s. S.H. Biri Factory" pending before the learned City Civil Judge, Bangalore and the Suit COM O.S. No.100/2019 titled " M/s. Anup Kumar Biswas Vs. M/s. S.H. Biri Factory" pending before Commercial Court at Bangalore, Rural.

The Registry to tag this Case with T.P.(C) No. 3003/2019.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)