

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition (Civil) No.3003/2019

M/S ANUP KUMAR BISWAS

Petitioner(s)

VERSUS

M/S S.H. BIRI FACTORY AND ANR.

Respondent(s)

WITH

Transfer Petition (Civil) Nos.887-888/2020

O R D E R

1. Taking into consideration the fact that the parties to the suit, i.e., both the plaintiff and the defendant are residents of West Bengal and further taking into consideration that the issues involved in both the proceedings, i.e., in the Commercial Court at Bangaluru, Karnataka as well as in the District and Sessions Court at Murshidabad, West Bengal are identical, I am inclined to allow the present Transfer Petition (Civil) Nos.887-888/2020.

2. The O.S. No.794/2019 and Com. O.S. No.100/2019 titled as "*M/s. Anup Kumar Biswas Vs. M/s. S.H. Biri Factory*" shall be transferred to the Court of District and Sessions Court at Murshidabad, West Bengal.

3. Since, the said petitions being Transfer Petition (Civil) Nos.887-888/2020 are allowed, as a corollary thereof, the Transfer Petition (Civil) No.3003/2019 is rejected. The Transfer Petition

(Civil) No.3003/2019 is dismissed accordingly.

4. The learned counsel for the petitioner in Transfer Petition (Civil) Nos.887-889/2020 has submitted that since the proceedings from the Court at Bangaluru, Karnataka are being transferred to the Court at Murshidabad, West Bengal, the appeals filed against the order passed by the Commercial Court, Bangaluru, Karnataka would not be tenable and he will take steps to withdraw those proceedings.

5. Let the record of O.S. Nos.794/2019 and 100/2019 be transferred to the transferee Court.

A copy of this order be sent to the concerned Courts.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.R. GAVAI)

New Delhi;
8th August, 2022.

ITEM NO.1617

COURT NO.14

SECTION XVI-A

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 (Civil) No.3003/2019

M/S ANUP KUMAR BISWAS

Petitioner(s)

VERSUS

M/S S.H. BIRI FACTORY & ANR.

Respondent(s)

(IA No. 185489/2019 - EX-PARTE STAY)

WITH

T.P.(C) No. 887-888/2020 (XVI-A)

(IA No. 77494/2020 - STAY APPLICATION)

Date : 08-08-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI

For Parties

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Mr. Akshay C. Shrivastava, Adv.Mr. Aftab Ali Khan, AOR
Mr. M. Z. Chaudhary, Adv.
Mr. Ali Safeer Farooqi, Adv.
Mr. Rahat Ali Chaudhary, Adv.UPON hearing the counsel the Court made the following
O R D E R

The Transfer Petition (Civil) Nos.887-888/2020 are allowed and the Transfer Petition (Civil) No.3003/2019 is dismissed in terms of the signed order placed on record.

Pending application(s), if any, shall stand disposed of accordingly.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT

(ANJU KAPOOR)
COURT MASTER (NSH)