

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 15979/2021

(Arising out of impugned final judgment and order dated 09-08-2021 in CO No. 1009/2021 passed by the High Court at Calcutta)

VENKATESH FOUNDATION PVT. LTD.

Petitioner(s)

VERSUS

JALAN CARBONS AND CHEMICALS PVT.LTD. &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. )

Date : 20-10-2021 This petition was called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.  
Mr. Utpal Majumdar, Adv.  
Mr. Sagnik Majumdar, Adv.  
Mr. Udayaditya Banerjee, Adv.  
Ms. Ranjeeta Rohatgi, AOR

For Respondent(s) Mr. Dhruv Mehta, Sr. Adv.  
Mr. Basudev Biswas, Adv.  
Mr. Soumya Dutta, AOR  
Ms. Rituparna Chatterjee, Adv.  
Mr. Amit Muhuri, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

Having gone through the impugned judgment and order passed by the High Court as well as the order passed by the learned Trial Court rejecting the application under Order VII Rule 11 (d) of the Code of Civil Procedure and having heard Shri Shyam Divan, learned senior counsel appearing on behalf of the petitioner as well as Shri Dhruv Mehta, learned senior counsel appearing on behalf of the respondent no.1/caveator, we see no reason to interfere with the impugned judgment and order passed by the High Court rejecting the application under Order VII Rule 11 (d) of the CPC. However, it is observed that the observations made are only while deciding the application under Order VII Rule 11 (d) of the

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CPC and the trial to proceed further and be decided by the learned Trial Court in accordance with law and on its own merits on the basis of the evidence laid.

With this, the present Special Leave Petition stands dismissed.

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

(NEETU SACHDEVA)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER