

Vs. Angerlehner Hochund Tiefbau Gmbh and anr.Defenda

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SooperKanoon Citation : sooperkanoon.com/1155313

Court : Kolkata

Decided On : Jul-07-2014

Judge : I. P. Mukerji

Respondent : Angerlehner Hochund Tiefbau Gmbh and anr.Defenda

Judgement :

ORDER

SHEET G.A.No.1389 of 2014 C.S.No.170 of 2013 G.A.No.1516 of 2013 G.A.No.2006 of 2013 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE GIRIKUNJ TRADELINK PVT.LTD.Versus ANGERLEHNER HOCH-UND TIEFBAU GMBH & ANR.

Plaintiff/Petitioner Defendants/Respondents BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date : 7th July, 2014.

For Plaintiff/Petitioner : Mr.Basudeb Biswas with Ms.Ankita Mukherjee, Adversus This is a judgement upon admission application [G.A.No.1389 of 2014].In spite of due service, as submitted by Mr.Basudeb Biswas, learned Advocate for the plaintiff, none appears for the defendants.

No accommodation is sought.

The second defendant has, for all practical purposes, taken over all the assets and liabilities of the fiRs.defendant, as understood by Mr.Biswass client.

Mr.Biswas submits so on the basis of a communication by the Office of the Liquidator in Austria to Kolkata Municipal Corporation to substitute the second defendant in place of the fiRs.defendant.

This communication forms part of the records of an earlier application made by the plaintiff [G.A.No.1516 of 2013].The fiRs.defendant was a contractor for Kolkata Municipal Corporation to de-silt the drains of this city.

The plaintiff acted as their agent.

They have a substantial claim against the fiRs.defendant which is claimed in the suit.

As against that, the fiRs.defendant, by a letter dated 18th March, 2013 [which is Annexure L to the petition].to the plaintiff, has admitted and confirmed as payable, a sum of Rs.6,65,60,419/- to them.

This matter is appearing in the list for a substantial number of days.

In that view of the matter, I am of the opinion that on the basis of the said letter of admission dated 18th March, 2013, the plaintiff is entitled to judgement upon admission.

Order accordingly in terms of prayer (a) of the Notice of motion.

The application is allowed.

The suit is part-decreed to the above extent.

The rest of the claim in the suit is relegated to trial.

Certified copy of this order, if applied for, be supplied to the parties upon compliance with requisite formalities.

(I.P.MUKERJI, J.) K.

Banerjee A.R.[C.R.].