

(2026) 07 CAL CK 0125

In the Calcutta High Court, Original Side

Case No : IA NO. GA-COM/3/2025 and IA NO. GA-COM/4/2026 In CS-COM/786/2024

Privi Exports Pvt Ltd

APPELLANT

Vs

Saarishta Agri LLP and Ors

RESPONDENT

Date of Decision : 22-07-2026

Acts Referred:

Citation : (2026) 07 CAL CK 0125

Hon'ble Judges : Aniruddha Roy, J.

Bench : Single Bench

Advocate : For the Defendant Nos. 1,2,4,5: Mr. Pradip Kumar Sarawagi, Adv.

Final Decision : Dismissed

Judgement

In Re: IA No. GA-COM/4/2026

None appears for the plaintiff/respondent in this application. Mr. Pradip Kumar Sarawagi, learned advocate appears for the defendant no. 5.

This is an application filed by the defendant no. 5 praying for deletion of its name from the array of the defendants. Affidavit in reply filed in Court today is taken on record, by extending the time.

Plaintiff has filed the instant suit against the defendants for recovery of unpaid price of goods sold and delivered. Defendant no. 1 is a "Limited Liability Partnership", of which, the plaintiff pleads, defendant no. 5 is a partner.

Defendant no. 5 contends that, at the relevant point of time of the transaction, the defendant no. 5 had already retired from the said "L.L.P.". Hence, no liability can be foisted upon the defendant no. 5 in the facts and circumstances of this case. Accordingly, he prays for deletion of his name from the array of the defendants.

Plaintiff is not represented.

Considering the case made out in the application filed by the defendant no. 5, this Court is of the view that the contention of the defendant no. 5 has to be tested in the light of the averments made in the plaint, taking such averments to be true and correct. The plaint case states that there is an alleged liability of the defendant no. 5, which the defendant denies.

In the conspectus of the above, this Court is of the view that the issue raised by the defendant no. 5 is triable and without going into a detail fact finding enquiry at the time of the trial of the suit, the issue raised by the defendant no. 5 cannot be decided at this summary stage.

It is made clear that this Court has not expressed any opinion on the merits of the contention of the defendant no. 5 and the defendant no. 5 shall be at liberty to raise the issue, at the time of final trial of the suit.

In view of the forgoing reasons and discussions, this Court finds no merit in this application at this stage and the issue raised by the defendant no. 5 shall have to travel the stage of trial of the suit.

Accordingly, IA GA-COM/4/2026 stands dismissed without any order as to costs.

In Re: IA GA-COM/3/2025

Mr. Pradip Kumar Sarawagi, learned advocate appears for the defendant no. 1,2,4 and 5.

Defendant no. 3 is not represented.

This is an application praying for summary judgment filed by the plaintiff against the defendant.

Since the plaintiff is not represented, nor any accommodation has been prayed for, the application shall appear under the heading "Chamber Applications for Final Disposal" in the monthly list of November, 2026.