

Title Suit No.841/2019
CNR: WBSP02-001959-2019
J.O. (WB01066)

22.02.2022

Today is fixed for acceptance of show-cause filed by the defendant No.1 on 28.01.2021.

Defendant No.1 and the plaintiff are present by filing hazira.

One application to extend the ad-interim order of injunction passed by this Court on 02.09.2019 is filed by the plaintiff which is supported by an affidavit.

Heard the appearing parties to the suit.

Considered.

Prayer for extension of ad-interim order of injunction is hereby allowed.

Let the ad-interim order of injunction be extended till 22.03.2022.

Now, show-cause filed by defendant No.1, i.e., Bharat Petroleum Corporation Ltd. Is taken up for hearing.

Heard Ld. Advocate for defendant No.1 who submits before the Court that the statutory period of 120 days had expired within the period of exclusion of limitation as per verdict of Hon'ble Apex Court while dealing with the nation wide lock down and spread of Covid-19. Ld. Advocate also submits that in want of relevant documents in the wake of Covid-19, the defendant company has failed to submit its written statement within time fixed by the Court. Ld. Advocate further contended that the defendant No.1 should be given a fair chance to contest the case for proper adjudication of the dispute between the parties.

Ld. Advocate for the plaintiff raised objection against setting aside ex parte proceeding order and the acceptance of written statement on the ground that the written statement was filed after lapse of statutory period.

Perused show-cause filed by defendant No.1.

The grounds as shown by defendant No.1 in his show-cause petition is found reasonable, thus, accepted for the ends of justice.

Show-cause petition is thus disposed off accordingly.

Order dtd.04.03.2020 is recalled only in respect of defendant No.1 and defendant No.1 is permitted to contest the suit.

As a consequence, **written statement filed by defendant No.1,**

is, thus accepted.

Fixing **22.04.2022** for hearing of temporary injunction application
and amendment petition.

D/C by me.

**Civil Judge (Sr. Divn.)
2nd Court, Alipore.**

**Sd/- (S. Roy)
Civil Judge (Sr. Divn.)
2nd Court, Alipore.**