

Money Suit (Commercial) – 46/2024
CNR No. : WBBD17-000058-2023
J.O. Code : WB01311

Order No. - 18

Dated - 24/03/2025

Today stands fixed for further hearing of I.A. No.08 of 2024.

Ld. Counsel for both the parties appeared through virtual mode.

I.A. No.08 of 2024 is an application under Order XIII A of the C.P.C filed by the plaintiff on 22/08/2024.

Today the plaintiff files an application seeking leave to withdraw the application under Order XIII A of the C.P.C. The same has been registered as I.A. No.10 of 2025.

The Ld. Counsel for the defendant vehemently objected to the prayer for withdrawal of the application.

He submitted that the matter has been heard extensively on four occasions and therefore if at this stage, the plaintiff is permitted to withdraw the application the same should be with exemplary cost.

I have heard the Ld. Counsel for both the parties.

The application under Order XIII A was filed on 22/08/2024. The defendants filed written objection on 27/09/2024. The matter was heard thereafter on 07/01/2025 and 21/01/2025. Number of judgments were cited by the Ld. Counsel for the plaintiff in support of the application under Order XIII A. Therefore, if at this stage the plaintiff is permitted to withdraw the application, the same in my considered view should be with cost as precious time of the court has been wasted atleast on four occasions. Accordingly, leave as prayed for is granted. I.A. No.08 of 2024 stands dismissed as withdrawn subject to payment of cost of Rs.20,000/- to be deposited by the plaintiff at the office of the DLSA, Paschim Bardhaman within a fortnight from date. I.A. No.10 of 2025 is also disposed off accordingly.

Fix **03/05/2025** for **PH**.

D/C by me.

Judge, Commercial Court
Asansol

Judge, Commercial Court
Asansol