

**Money Suit (Commercial)– 46/2024**  
**CNR : WBBD17-00058-2023**  
**JO Code :WB01311**

Order No –07  
Dated :16/04/2024

This day is fixed for hearing of the temporary injunction application.

The plaintiff files hazira.

The Ld. Advocate for the plaintiff is also present.

Mr. Tarik Anjum, Ld. Advocate enters appearance on behalf of the defendant by filing vakalatnama.

The defendant also files an application for recalling the ex-parte order passed on 17/02/2024.

Let the application be registered as IA no. 05 of 24.

Copy of the application has been served to the Ld. Advocate for the plaintiff.

IA no. 05 of 24 is taken up for hearing.

It is submitted by the Ld. Advocate for the defendant that the notice of the suit was served to the defendant on 09/01/2024 and thereafter the defendant company engaged a local counsel but he failed to take appropriate steps in the matter.

It is also submitted that the defendant company was also busy with a criminal matter in Ghaziabad Court and as such could not keep regular track of the instant matter and in such a situation in the absence of any steps by the defendant the suit was directed to be proceeded ex-parte against the defendant by order dated 17/02/2024.

The Ld. Advocate submitted that non appearance of the defendant was not intentional but was due to the reasons as stated herein above.

The Ld. Advocate also submitted that henceforth the defendant will be more diligent.

Accordingly, the Ld. Advocate for the defendant prayed for recalling the order of ex-parte hearing dated 17/02/2024.

The prayer for recalling the order of ex-parte hearing has been vehemently opposed by the Ld. Advocate for the plaintiff.

I have heard the Ld. Advocates for the parties and have considered their submissions.

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The cause shown for non appearance on 17/01/2024 and 17/02/2024 are sufficient.

Accordingly, the order of ex-parte hearing of the suit as passed on 17/02/2024 is recalled subject to payment of cost f Rs. 10,000/- to be deposited at the office of DLSA, Paschim Bardhman within a week from date.

The show cause which has been filed by the defendant in terms of the order dated 17/02/2024 is accepted.

Fix the matter on **18/05/2024** for **hearing of temporary injunction hearing.**

The defendant is at liberty to file objection to the application for the temporary injunction in the meantime with advance copy to the plaintiff.

D/C by me

Judge, Commercial Court  
Asansol

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