

T.S - 709 of 2022 (R)
CNR No: WBWM-04001101-2022
J.O Code: WB 01442

Order 11 dated 17.08.2024

Today is fixed for injunction hearing.

The defendant no. 3 has filed a petition for time for the injunction hearing.

Defendants no.1 and 2 have filed petition for time to file W/S and W/O.

Plaintiff has filed hazira along with a petition for extension of the ad interim order of injunction.

The petition for time filed by the defendant no. 3 is allowed.

The statutory period for filing W/S is already over for the defendants no. 1 and 2 who appeared on 28.07.2023. Therefore, the petitions for time to file W/S and W/O by the defendants no. 1 and 2 are rejected.

Ld. Advocate for the plaintiff moves the petition for extension.

Heard. Perused. Considered.

It is noted that by order no. 7 dated 09.01.2024 the ad interim order was extended till 25.04.2024. Subsequently on 11.01.2024 a put up petition was filed by the defendants and the date for hearing of the injunction petition was fixed on 25.01.2024 however, upon perusal of cause list it is found that the date was not updated therein. On 25.01.2024 the plaintiff was without steps and the ad interim injunction was vacated. Thereafter on 25.04.2024 there was a resolution of the Bar and the parties took no steps on which today's date was fixed. Since the ad interim order of injunction had already been extended till 25.04.2024 and there was no order preponing the date of extension vide order no. 08 dated 11.01.2024 the ad interim stood extended till 25.04.2024. As the cause list for 11.01.2024 had not been updated and the date 25.01.2024 was not brought to the attention of the plaintiff, the ad interim order could not have been vacated on that date.

The error appears to be at the end of the Court and therefore, the order no. 09 dated 25.01.2024 appears to be unjust and is thus recalled.

Since the ad interim order stood extended till 25.04.2024 and no order vacating the ad interim injunction was passed on that date, due to the resolution of the Bar therefore, it is held that the ad interim order was extended till today.

The petition for extension is thus allowed and the ad interim order of injunction is extended till the next date.

The S/R of the proforma defendants no. 4 and 5 are not found in record and the requisites are still lying herein.

D.A to issue the requisites upon pro-defendant no. 4 and 5.

Fix **13.02.2025** for extension, injunction hearing, and S/R of defendants no. 4 and 5.

Sd/-

D/C by me

Sd/-

Civil Judge, (Jr. Divn.), 1st Court,
Paschim Medinipur