

Title Suit 28 / 2021 (CIS – 28 / 2021)
(CNR No. - WBHW07 000 039 of 2021)

Order No. 23 dated 05-04-2023

Today is fixed for filing additional W.O & W.S. by the remaining defendants as well as hearing of the temporary injunction application.

Both parties are present.

An application duly supported by affidavit is filed by the plaintiff for further extension of the ad interim order of injunction.

Considered.

In the interest of justice the ad interim order of injunction is hereby extended till next date.

An adjournment petition is filed by defendant No.1 praying for time for filing additional W.O. and W.S.

Considered.

For the ends of justice, the prayer for further time is allowed.

At this stage, ld. Advocate of the defendant No.1 submitted that the order of ex parte hearing passed against defendant No.8 be recalled as the summons is yet to be served properly on the said defendant.

Heard the Ld. Advocate of defendant No.1.

Perused the suit record from where it is revealed that the summons issued upon defendant No. 8 could not be served upon him as his brother refused to receive the same. Such refusal amounts to good service as has been laid down under Order 5 Rule 15 of C.P.C. For this reason this Court is not inclined to recall the order of ex parte hearing passed against defendant No.8.

To 11.07.2023 for filing additional W.O. and W.S. by the remaining defendants as well as hearing of the temporary injunction application.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

Misc Case 6 / 2021 (CIS – 6 / 2021)
(CNR No. - WBHW07 000 of)

Order No. 24 dated 05-04-2023

Today is fixed for filing additional W.O. by the OP.

Both parties are present.

W.O. has already been filed by the OP.

At this stage, ld. Advocate of the OP submitted that the order of ex parte hearing passed against OP No.2 be recalled as the summons is yet to be served properly on the said defendant.

Heard the Ld. Advocate of the OP.

Perused the suit record from where it is revealed that the summons issued upon OP No. 2 could not be served upon him as his brother refused to receive the same. Such refusal amounts to good service as has been laid down under Order 5 Rule 15 of C.P.C. For this reason this Court is not inclined to recall the order of ex parte hearing passed against OP No.2.

To 11.07.2023 for hearing of the misc case.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)