

22.11.2022.

Today is fixed for passing order.

Now, the record is taken up for passing of order in respect of petitions U/o-7 Rule 11 of CPC and U/o-7 rule 14 r.w.Sec. 151 of CPC and petition U/o-39 rule 3(a) & (b) r.w.Sec. 151 of CPC filed by the defendants.

During the course of hearing Ld. Adv for the defendants submitted that the plaintiff did not comply the provision of Order 39 rule 3(a) & (b) of CPC as such the plaint is liable to be rejected.

Per contra; Ld. Adv for the plaintiff contradicted the statement made by the adversory and submitted that plaintiff had complied the provision of Order 39 rule 3(a) & (b) of CPC as it appears from order dt. 21.01.22 passed by this Court. Thus, the suit is well maintainable before this court.

Heard the Ld.Adv for both sides.

Considered.

On perusal of the petition and other materials on record it appears to this court that the plaintiff has complied the mandatory provision of order 39 rule 3 (a) & (b) of CPC vide order dt.21.01.22, but somehow some of the documents on which plaintiff relies upon had not been served upon the defendants due to some technical fault. Under the above circumstances, this Court is of the view that the petitions filed by the defendants are not tenable in the eye of law and liable to be rejected.

Hence, it is

Ordered

that the petitions U/o-7 Rule 11 of CPC and U/o-7 rule 14 r.w.Sec. 151 of CPC and petition U/o-39 rule 3(a) & (b) r.w.Sec. 151 of CPC filed by the defendants are rejected on contest and disposed of accordingly.

Ad-interim order extended till next date.

To 13-01-2023 for hearing of injunction petition. W.O, if any in the meantime.

D/c by me

CJ (Jr. Divn.)
(JO CODE WB01423)
Bidhannagar

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