

MS (COM)-09/2024

**Present :: Ishani Chakravarty Banerjee (J.O Code.WB00890)
Judge, Commercial Court at Rajarhat
North 24 Parganas.**

CNR: WBNP19-000011-2024

**17
14.08.2025**

Today is fixed for filing of show-cause by the defendant, failing which the injunction petition under Order XXXIX Rules 1 & 2 read with Order XXXVIII Rule 5 of the Code of Civil Procedure shall be heard ex parte, and the suit shall also proceed ex parte.

The learned Advocate for the plaintiff appears and files hazira along with a petition praying for extension of the ad-interim order, which was in force till today. However, copy of the said petition has neither been served upon the opposite party nor enclosed with the case record.

The learned Advocate for the defendant, Ms. Aheriya Roy (Reg. No. F/833/648/2021), appears and files an adjournment petition stating that the defendant has been suffering from severe illness over the past few days and is under medical treatment. Due to his health condition, he has been unable to meet his learned Advocate in person and sign the show-cause petition, and hence, time is prayed for filing the same on the next date. She has also filed a separate undertaking petition to file the show-cause on the next date. Copy served; objection raised by the learned Advocate for the plaintiff.

Heard the learned Advocates for both parties.

Upon perusal of the record, it appears that by order dated 09.04.2025, the defendant was directed to file the show-cause due to failure to take steps. Again, on 06.06.2025, the defendant took no steps. However, due to a resolution of the local Bar, this Court was unable to pass any adverse order on that date.

Today, the defendant has again prayed for time citing medical grounds.

Considering the rival submissions and in the interest of justice, the prayer for adjournment is considered and allowed as a last chance, subject to production of medical documents in support of the illness of the defendant on the next date.

Fix **24.10.2025** for filing of show-cause by the defendant; *in default*, the injunction petition under Order XXXIX Rules 1 & 2 read with Order XXXVIII Rule 5 CPC shall be heard ex parte, and the suit shall also proceed ex parte, without any further adjournment.

Let the ad-interim order be extended till **24.10.2025**.

**Sd/- Ishani Chakravarty Banerjee
Judge
Commercial Court,
Rajarhat, North 24 Parganas**