

**MS (COM)-09/2024**  
**UMA SHANKAR MUNDHRA Vs PRAVAS GAYEN**

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

**CNR: WBNP19-000011-2024**

**18**  
**24.10.2025**

1. Today is fixed for filing of show-cause by the defendant. It was directed in earlier order dated 14.08.2025 that, in default, 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* without any further adjournment.
2. 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, a copy of the said petition has neither been served upon the opposite party nor enclosed with the case record.
3. The learned Advocate for the defendant appears and files *hazira* along with a show-cause petition supported by an affidavit, enclosing a medical certificate and praying for its acceptance. A copy has been served upon the learned Advocate for the plaintiff through e-mail, as enclosed with the show-cause petition.
4. Heard the learned Advocates for both parties.

It is submitted by the learned Advocate for the defendant that the defendant could not contact his learned Advocate or take necessary steps in the matter as the defendant's wife was facing a medical emergency. In support of this statement, the learned Advocate for the defendant has produced the original medical certificate before this Court, which has been perused and thereafter returned to the learned Advocate for the defendant in open Court.

It is further submitted that the lapse on the part of the defendant was neither deliberate nor intentional, but purely circumstantial and beyond his control, arising from unavoidable personal hardship. Accordingly, the learned Advocate for the defendant prays for acceptance of the show-cause petition.

5. Perused the show-cause petition. The same appears to be satisfactory and is hereby accepted.

6. The learned Advocate for the plaintiff has also filed a petition praying for adjournment of the hearing of the injunction petition under Order XXXIX Rules 1 & 2 read with Order XXXVIII Rule 5 CPC. The prayer for adjournment is considered and allowed in the interest of justice.
7. Fix 05.01.2026 for hearing of the applications under Order XXXIX Rules 1 & 2 read with Order XXXVIII Rule 5 CPC. The parties are directed to take note that no further adjournment shall be granted on the next date, and in the absence of either party, the matter shall be heard *ex parte* in accordance with law.
8. Let the ad-interim order be extended till 05.01.2026.

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