

**T.S. – 5/2023(CC)**

**Present: Neyaz Alam  
Judge, Commercial Court at Rajarhat,  
North 24 Parganas**

**CNR: WBNP19-000053-2023  
J.O Code.WB01398**

**15  
22.01.2024**

Plaintiff filed the suit for damages and permanent injunction and in the suit moved injunction petition and was granted ad-interim order of injunction which continued till this day. The defendants appeared and contested the suit by filing written statement. In course of the proceeding, the plaintiff filed an application under Order I Rule 10 CPC praying for making CPWD as party defendant and after contested hearing the application was allowed making the CPWD as party defendant.

Meanwhile, defendant nos.1 & 2 filed an application under Order XXXIX Rule 4 CPC praying for modification of the injunction order. The record was reserved for order and the plaintiff by a supplementary affidavit stated that the plaintiff has received the price of the Chiller for which the injunction order existed vide order no.2 dated 01.04.2023 may be dropped.

In view of the above facts and circumstances, since the plaintiff prayed for dropping the injunction order, I find no reason to dispose of the Order XXXIX Rule 4 of CPC application on merit.

Accordingly, with the dropping/vacating of the injunction order consequently the application under Order XXXIX Rule 4 also disposed of with the aforesaid observations.

Fix **20.03.2024** for SR and requisites forthwith.

**Sd/- Neyaz Alam  
Judge  
Commercial Court,  
Rajarhat, North 24 Parganas**