

T.S. – 5/2023(CC)

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

CNR: WBNP19-000053-2023

J.O Code.WB01398

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17.04.2023

Plaintiff files hazira along with DCF amounting to Rs.50,000/- through GRIPS e-Challan which is checked and verified by the Office.

Plaintiff files compliance report enclosing original postal receipt as well as Advocate's letter for showing compliance with the provisions under Order XXXIX Rule 3(a) & (b) of CPC.

Plaintiff also files extension application praying for extension of ad-interim order along with another application under Section 151 of CPC supported by statement of truth praying for extension of ad-interim order on the ground stated therein.

Heard, perused the application under Section 151 of CPC from which it transpires that plaintiff could not comply the provisions under Order XXXIX Rule 3(b) at the very next date of passing of ad-interim order due to suffering from viral infection of learned Counsel on record but the compliance under Order XXXIX Rule 3(a) has been complied in accordance with law.

Accordingly, I am of the view that the application under Section 151 of CPC should be allowed by extending the ad-interim order till the next date.

Hence, the application under Section 151 is disposed of.

Defendant made appearance through learned Counsel by filing hazira along with an application praying for undertaking to file fresh vakalatnama on the next date of the suit as stated therein.

Copy not served.

Heard, considered and prayer is allowed.

Learned Counsel appearing on behalf of plaintiff pressed for relief in respect of appointment of a Receiver as mentioned in prayer (b) of injunction application.

As defendant made appearance hence, I am not inclined to hear the appointment of Receiver ex-parte without giving an opportunity to defendant.

To date for hearing of injunction application and written objection in the meantime as well as hearing for appointment of Receiver.

Let the ad-interim order be extended till the next date as prayed for.

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

