

MS (Com) – 82/2024

MS – 9/2023(CC)

**Present: Joy Sankar Roy
Judge-in-charge,
Commercial Court at Rajarhat,
North 24 Parganas**

**CNR: WBNP19-0000055-2023
J.O Code.WB00858**

**15
19.02.2025**

Today is fixed for awaiting order if any, from the Hon'ble Court, Calcutta and further order.

The Ld. Advocate for the defendant appears and files hazira.

The Ld. Advocate for the plaintiff appears and files hazira along with Acknowledgment Receipt for payment of cost amounting to Rs. 30,000/- enclosing photostat copy of NEFT Challan bearing reference no. **"HDFCN52025021969908916"**.

The Ld. Advocate for the plaintiff also files a copy of order of the Hon'ble High Court, Calcutta vide C.O 2180 of 2024 CAN 2 of 2025 with C.O. 350 of 2025 dated 06.02.2025 from which it transpires that the Hon'ble Court, setting aside the order dated 16.05.2024 of this Court with regard to the direction for payment of costs of Rs. 50,000/- for acceptance of written statement as stated in **paragraph no. 8** of the instant judgment has observed **"...I am of the view that for the ends of justice, the defendants / petitioners should be given one more opportunity to have the application under Order VII rule 10 of the Code to be heard out especially, when the same seeks to question the jurisdiction of the learned Court to entertain the same, though , subject to compliance of the order dated 16th May, 2024 insofar as payment of costs of Rs.30,000/- for granting adjournment, is concerned."** as stated in paragraph no.10.

And also observed **"Having regard thereto, the order no. 10 dated 16th May 2024 stands modified / varied to the aforesaid extent and the order no. 12 dated 27th August 2024 stands set aside."** as stated in paragraph no.11.

Further observed **" Since, the parties would submit that the next date for hearing before the Learned Trial Court is fixed on 19th February 2025, the learned Judge is directed to take up the hearing of the application under Order VII rule 10 of the Code on the said date so fixed and hear out and dispose of the same without granting unnecessary adjournments to either of the parties."** as stated in paragraph no.12.

The Ld. Regular P.O is on leave.

Perused the solemn order of the Hon'ble Court, Calcutta by the P.O.-in-charge.

Considering the said observation, the parties are directed to appear before this Court for fresh hearing of the application u/o VII rule 10 of the CPC.

Fix **10.04.2025** for hearing of application u/o VII rule 10 of the CPC.

Rejoinder regarding application u/o VII rule 10 of the CPC to be filed by the defendant in the meantime.

**Sd/-
Judge-in-charge
Commercial Court,
Rajarhat, North 24 Parganas**

