

MS (Com) – 75/2024
MS - 44/2022 (CC)
M/S BACCHUS Vs RADHA KRISHNA SINGH AND 5 OTHERS

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

CNR: WBNP19-000160-2022

21
31.10.2025

1. Today is fixed for hearing of the application under Order XXII Rule 10 read with Section 151 of the CPC, and for filing of money receipts and necessary compliance by the parties under the Commercial Courts Act, 2015.
2. The learned Advocate for the plaintiff appears and files *hazira*.
3. The learned Advocates for defendant nos. 1, 2, and 3 appear and file *hazira* along with a list of documents and the Statement of Truth refiled on behalf of defendant nos. 1 to 3, as well as money receipts of Rs. 5,000/- in compliance with order dated 05.07.2025.
4. The learned Advocate for defendant no. 4 appears and files *hazira*.
5. It is submitted by the learned Advocates for the plaintiff and the defendants that there is no pending injunction application, and that only the application under Order XXII Rule 10 read with Section 151 of the CPC remains to be heard but inadvertently it was recorded with hearing of the application under Order XXII Rule 10 read with Section 151 of the CPC.
The order be modify to that extent.
6. The learned Advocate for the plaintiff submits that the Statement of Truth had already been filed along with the amended plaint on 05.04.2025, and that it was inadvertently mentioned as not filed. Upon perusal of the case record, it appears that although an amended plaint was indeed filed on **05.04.2023**, the said amended plaint was not accompanied by a Statement of Truth. Consequently, by order dated 05.07.2025, this Court directed the plaintiff to file the same in respect of the ammended plaint file on 05.04.2023 not 05.04.2025 and serve a copy upon the other side. As such there is no such anomaly so far as this aspect is concerned.
7. Fix **17.01.2026** for hearing of the application under Order XXII Rule 10 read with Section 151 of the CPC.
8. The parties are directed to **exchange their affidavits-in-opposition/ reply, if any, within the schedule date**. In absence of the same, it shall be **presumed that no formal objection exists**. The defendants shall file their **written objection within six weeks** from the date of

9. this order, and the plaintiff, if so advised, shall file an **affidavit-in-reply** to such objection **within seven (7) days prior to the next date of hearing**.

Sd/- Ishani Chakravarty Banerjee

Judge

Commercial Court,

Rajarhat, North 24 Parganas