

T.S. 167 OF 2019

**Reg. 69 of 2019**

**JO Code: 000823**

**Order No.17**

**Date: 03.03.23**

Today is fixed for further order.

It appears from the record that the matter was pending before the Hon'ble High Court and the plaintiff was directed to bring specific order from the Hon'ble High Court.

Plaintiff who is appearing in person files the order of the Hon'ble High Court whereby from the last order dated 28.09.2022 in connection with ALP No. 9 of 19 the Hon'ble High Court has been pleased to observe “ *Accordingly, I do not find any merit in the present application filed by the petitioner for transfer for the aforesaid suit from Kakdwip Court to this Hon'ble Court or to some other Court.*”

*Accordingly, ALP/9/2019 is dismissed.”*

Since the Hon'ble High Court has been pleased to dismiss the ALP hence, there is no impediment in continuing with the hearing of the present suit.

Hence, the suit is taken up for hearing of the injunction application this day.

Heard the plaintiff who is appearing in person and who submits that she was a member of this Bar but vide resolution dated 22.07.2019 she has been debarred and now she has no placed to sit and as such she is occupying some portion of the second floor of this court building.

The plaintiff namely, Smt. Bina Das who is appearing in person is directed to appraise this Court as to which portion of the building she is occupying presently.

To 19.04.2023 for hearing of the injunction application. At this stage the ld advocates on behalf of the defendants submit that they have already filed a petition dated 05.11.2019 regarding non-maintainability of the suit and that the said petition must be disposed of first.

Since, an application questioning the maintainability of the suit has been filed hence I am of the view that the said petition must be disposed because the fate of the other applications will depend on whether the suit is maintainable or not. Hence, fix 19.04.2023 for hearing on the point of maintainability. Hence, the order fixing for hearing of the injunction application is modified.

At this stage ld advocate on behalf of the defendants no. 1 and 3 to 9 submits that copies have not been served upon them. Plaintiff is directed to serve copies accordingly.

Fix 19.04.2023 for hearing on the point of maintainability. Plaintiff is directed to file replies to the queries of this Court in the meantime.

D/C

Sd/- Sushmita Gayen  
ACJM-cum-CJSD, Kakdwip

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