

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Title Suit 04/2023
Renumbered as TS COM 48 of 2023
CNR No. WBSP18-000041-2023

Order No. 24

Date: 15.03.2024

In the matter of:

Suit for recovery of possession and mesne profit valued at Rs. 171,80,41,276/- and for injunction at Rs. 100/-.

AND

In the matter of:

Mani Square Limited.

Vs.

In the matter of:

Shri Bhabani Kumar and 05 Ors.

Order

Today is fixed for hearing of I.A. No. 13 of 2023.

Plaintiff files hazira.

Defendant files a petition praying for adjournment of the instant proceeding for a period of four weeks on the grounds that they have preferred a Civil Revisional Application being No. 954 of 2024 before the Hon'ble High Court at Calcutta on 13th March, 2022 challenging the order of this Court dated 6th March, 2024 and they will mention this matter this day i.e. 15th March, 2024 for early listing and hearing of the said revisional application and the copy of the same has already been served upon the plaintiff.

So, in view of above, Mr. Soumendra Roychowdhury, Ld. Counsel appearing on behalf of the defendants/petitioners prays for adjournment of the proceeding of the instant suit for four weeks to enable the defendants/petitioners to test the order of this Court before the Hon'ble Court.

On the other hand, Mr. Joydeep Kar, Ld. Sr. Counsel appearing for the plaintiff raises vehement objection against the said application filed by the defendant/petitioners. He further argues that the matter has not been listed for hearing before the Hon'ble Court as yet and there is no impediment to proceed

with the instant suit. So, they are ready for hearing of their application being I.A. No. 13 of 2023.

So, having heard the submissions of Ld. Lawyers for both sides, I find no justifiable ground to adjourn the instant proceeding this day or as asked for by the defendants/petitioners for a period of four weeks.

Hence, the prayer for adjournment as prayed for by the defendants/petitioners is considered and rejected.

As such, the I.A. No. 13 of 2023 is taken up for hearing.

Heard Mr. Kar, Ld. Sr. Counsel of the plaintiff in part.

Fix 09.04.2024 at 11:00 a.m. to 12:00 noon for further hearing of the I.A. No. 13 of 2023 on behalf of the plaintiff/petitioner.

I.A. No. 22 of 2024

At this stage, plaintiff files an application praying for extension of the order dated 1st April, 2023 along with an affidavit.

Heard, considered and prayer is allowed.

Let the order ad interim order of injunction dated 1st April, 2023 is extended till the next date.

Accordingly, the instant application being I.A. No. 22 of 2024 is hereby **disposed of**.

It is further noted herein that on the order dated 06.03.2024 passed by this Court, the number of the said order has mistakenly been written as “Order No. 22” which will actually be the “Order no. 23”. Such inadvertent typographical error is rectified and accordingly in the order dated 06.03.2024 the “**Order No. 22**” will be “**Order No. 23**”.

This instant order shall conjointly be read with the order dated 06.03.2024.

Parties to act on the basis of the downloaded copy of this Order.

Dictated and corrected by me

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram