

**Present: Smt. Suparna Ray (JO code WB00711)**  
**Judge, Commercial Court at Alipore**  
**TS (Com)/48/2023**  
**CNR No: WBSP18-000041-2023**

**Order No. 36**  
**29.01.2025**

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.  
Shri Subhas Kumar and 04 Ors.

**ORDER**

Today is fixed for further hearing of the application being I.A. No. 13/2023 on behalf of the Plaintiff.

Plaintiff files hazira through Ld. Advocate.

Defendants also file hazira through Ld. Advocate.

Ld. Advocate on behalf of the Plaintiff and Ld. Advocate on behalf of the Defendants - are present.

Heard both sides and perused the materials of the record.

Ld. Advocate appearing on behalf of the Defendants submitted that on 02.12.2024 the Defendants have filed an application under Section 151 of the CPC with the prayer to fix the date of hearing of the petition filed on their behalf under Order VII Rule 11 of the CPC being I.A. No. 26/2024, prior to hearing of the petition being I.A. No. 13/2023 filed by the Plaintiff praying occupational charges. From the materials of record it reveals that the said application dated 02.12.2024 filed on behalf of the Defendants has not yet been registered .

Hence , at this stage, for convenience of consideration the said petition filed by the defendant on 02.12.24 is registered as I.A. No. 27/2025.

In the facts and circumstances , for ends of justice and on consent of both sides the application being I.A. No. 27/2025 is taken up for hearing.

Heard the Ld. Advocate for the Plaintiff and heard the Ld. Advocate for the Defendants in respect of this application. No objection has been raised on behalf of the Plaintiff against the prayer of the Defendants in this application.

Considering the contents of the application of I.A. No. 27/2025, I am also considered of the view that the I.A. No. 26/2024 filed by the Defendants under Section VII Rule 10 of the CPC is required to be heard at this stage.

From the materials on record it appears that affidavit in opposition to the application being I.A.No.26/2024 has already been filed. Today affidavit-in-reply to the objection of I.A. No. 26/2024 is also filed by the Defendants.

Hence, the record is taken up for hearing of I.A. No. 26/2024 filed on behalf of the Defendants.

Heard Ld. Advocate on behalf of the Defendants in part.

Fix **30.01.2025 at 2:30 to 3:30 p.m.** for further hearing of I.A. No. 26/2024.

In view of the above observation, the hearing of the application being I.A. No. 13/2023 be adjourned today.

The petition being I.A. No. 27/2025 is, thus, **disposed off** accordingly.

Dictated & corrected by me,

Sd/-

Judge, Commercial Court at Alipore  
For districts of South 24 Parganas, PurbaMedinipur,  
Paschim Medinipur &Jhargram

Sd/-

Judge, Commercial Court at Alipore  
For districts of South 24 Parganas, Purba Medinipur,  
Paschim Medinipur & Jhargram