

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

Order No. 37

Date: 30.01.2025

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 I.A. No. 26 of 2024.

Both sides have filed their respective haziras.

On the eve of the hearing, Ld. Counsel for the contesting defendants have filed a petition along with an advocate's letter annexing with the copy of a petition filed by the plaintiff under Clause 13 of the Letters Patent Act, 1865 before the Hon'ble High Court at Calcutta.

In the said petition as filed by the defendants it appears that the defendants have received the above stated advocate's letter annexing with the copy of the petition being ALP No. 02 of 2025 filed by the plaintiff and the said facts have been intimated by the contesting defendants to theirs Ld. Counsel in the morning at 11:40 a.m.

From the said advocate's letter as pressed by the Ld. Counsel for the defendants, it appears that the above stated matter would have been appeared on 20th January, 2025.

But, on the previous occasion the plaintiff did not try to bring such matter into the notice of this Court.

Ld. Counsel for the contesting defendants has submitted that the matter has been taken up by the Hon'ble Court today. But, the plaintiff cannot bring any status of the above stated matter before the Hon'ble Court into the notice of this Court.

From the above, it appears that the matter is under the active consideration of the Hon'ble Court. So, if the application is allowed by the Hon'ble Court, the entire record would be transmitted to the Hon'ble Court. In

that context, there is a chance of encroachment of the jurisdiction by this Court. Accordingly, to maintain judicial discipline, this Court should be refrained from proceeding with the instant matter in the present circumstances.

Therefore, in respect of above stated scenario, this Court thinks it fit and proper to ask for the status report of the above stated matter pending for adjudication before the Hon'ble Court from the parties on the next date as fixed hereunder.

Accordingly, fix 17.02.2025 at 10:30 a.m. for filing status report by the parties regarding the case being ALP No. 02 of 2025 filed before the Hon'ble Court.

Parties to act on the basis of the downloaded copy of this Order from the Website/E-courts App.

Dictated and corrected by me

Sd/-

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

Sd/-

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