

Present: Smt. Suparna Ray (JO Code: WB00711)
Judge, Commercial Court at Alipore
Title Suit No. 04 of 2023
Renumbered as TS (Com) / 48 / 2023
CNR. NO: WBSP18-000041-2023

Order No. 42
28.04.2025

In the matter of:
Suit for recovery of possession
and mesne profit valued
at Rs.171,80,41,276/- and for
in junction at Rs.100/-

And

In the matter of:
Mani Square Limited
Vs.
Shri Subhash Kumar and 04
Ors.

ORDERED

Today is fixed for for further hearing of I.A No. 26/2024.

Hazira filed on behalf of the plaintiff through Ld. Advocate.

Ld. Advocate for the plaintiff is present.

Defendant nos. 2 to 6 has filed a petition with the prayer of time stating inter alia that Defendant no.2 to 6 preferred a Review Application before the Hon'ble High Court at Calcutta , but the defendants could not move the Review Application due to unavailability of the respective Bench and it is submitted that the defendant no.2 to 6 will be severely prejudiced if I.A.No. 26/2024 is heard prior to the Review application before the Hon'ble Court. Accordingly the defendant no.2 to 6 prays time for hearing. Along with this petition, the copy of the Review Application filed before the Hon'ble Court is also filed.

Ld Advocate of the Plaintiff and Ld. Advocates for the defendant nos. 2 to 6 – are present.

Heard Ld Advocates of both sides.

Ld Advocate on behalf of the Plaintiff raised strong objection against the prayer of time of the defendants no.2 to 6 and submitted that Hon'ble High Court in ALP No. 02/2025 vide order dated

27.03.2025 has been pleased to direct this Court to conduct the day to day hearing ,without granting unnecessary adjournment. Ld Advocate further submitted that there is not stay order of the Hon'ble Court till date in the proceedings of the instant suit.

In his turn Ld Advocate appearing on behalf of defendant nos.2 to 6 also submitted that there is no stay order of the Hon'ble Court in the proceedings of the instant suit till date.

Perused the material on record .

It appears that the Hon'ble High Court at Calcutta in ALP No. 02/2025 vide order dated 27.03.2025 has been pleased to direct this court to hear the commercial suit being no. 48/2024 along with Title Suit No.469 of 2023 transferred from the Court of learned 4th Civil Judge(Senior Division) at Alipore, by making all endeavour to conduct day to day hearing, without granting unnecessary adjournments, and disposed of the said two suits to be heard analogously, preferably within a period of six months from the date of transfer of records as directed.

In the circumstances and in view of the above referred order of the Hon'ble High Court at Calcutta , I am not inclined to grant any adjournment , according to the prayer of defendant nos. 2 to 6.

Record is thus taken up for further hearing of the application being I.A no. 26/2024.

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

And, on consent of both the parties the next date is fixed on **29.04.2025 at 1.30 p.m to 2.30 p.m** for further hearing of **I.A No. 26/2024 .**

Both parties to come ready.

Parties to act accordingly with the downloaded copy of order sheet from Ecourts App/Website.

Dictated & corrected by me,

Sd/-

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

Sd/-

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