

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

Order No.65

Date: 04.08.2025

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 Subhash Kumar and 04 Ors.

Order

Today is fixed for hearing of the applications being I.A. No. 28 of 2025.

Plaintiff files hazira.

Ld. Advocates for the plaintiff and the Ld. Advocates for the defendant nos. 2 to 6 are found present.

The record is taken up for hearing.

Ld. Advocate for the defendant nos. 2 to 6 “not pressed” the I.A. No. 29 of 2025. Hence, the I.A. No. 29 of 2025 is hereby **disposed off** being not pressed.

At this stage, defendant nos. 2 to 6 files a petition praying for adjournment for today on the ground that the said defendants have taken out an application under Clause 13 of the Letters Patent, 1865 being A.L.P. No. 10 of 2015 before the Hon’ble High Court at Calcutta, *inter alia*, seeking for transfer of the suits i.e. T.S. No. 04 of 2023 i.e. T.S. (Com) No. 48 of 2023 (the instant suit) and T.S. No. 469 of 2023 i.e. T.S. (Com) No. 04 of 2025 to the Hon’ble High Court at Calcutta.

In view of above, Ld. Advocate appearing for the defendant nos. 2 to 6 prays for adjournment of the instant case till the

adjudication of the aforesaid A.L.P. pending before the Hon'ble High Court.

However, Ld. Counsel appearing for the plaintiff vehemently objects to the aforesaid prayer of adjournment and submits before this Court that since there is no order of stay by the Hon'ble High Court, therefore, seeking for such an adjournment on the ground of mere pendency of such application is just a ploy to protract the proceeding.

However, upon consideration of the aforesaid, this Court opines to grant an adjournment for today for the ends of justice.

However, the defendant nos. 2 to 5 are hereby directed to submit a status report before this Court intimating whether any order of stay is made by the Hon'ble High Court upon this Court in respect of further proceeding with the instant suit within the next day as fixed hereunder.

Fix the matter on **11.08.2025 from 3:30 p.m. to 4:00 p.m.** for hearing of I.A. No. 28 of 2025. In the meantime, defendant nos. 2 to 4 are hereby directed to submit the status report in view of the aforesaid direction.

Parties to act on the basis of the downloaded copy of the order sheet from the website/E-court App.

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