

IN THE COMMERCIAL COURT AT ALIPORE

Present: Smt. Suparna Ray (JO Code:WB00711)

Title Suit No. 04 of 2023
Renumbered as T.S. (Com) 48 of 2023
CNR No. WBSP18-000041-2023

Mani Square Limited.

.....Plaintiff

vs.

Shri Subhas Kumar and 04 Ors.

.....Defendants

Order No. 92
Date: 22.12.2025

Today is fixed for taking necessary steps by the plaintiff as well as by the defendants.

Plaintiff and defendant nos. 2 to 4 file their respective haziras.

Plaintiff files an application under Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 praying for a direction to strike off the name of the defendant no. 5 and to amend the cause title of the plaint of the instant suit to that effect on the ground stated therein. The Plaintiff also prays to file an amended plaint after striking out the name of defendant no.5 from the cause title of the plaint.

Defendants do not tender any objection to the prayers delineated in the said application of the plaintiff .

However, it appears from the instant application that on November 28, 2025, the defendant no. 5 expired and on December

15, 2025, the advocate on record of the defendants wrote to the petitioner's advocate on record intimating that the defendant no. 5 had no legal heirs. As such, no formal substitution in the instant case is required in the above facts.

Therefore, in the instant application the plaintiff/petitioner seeks for a direction to strike off the name of the defendant no. 5 and subsequently, to amend the cause title of the plaint.

Ld Advocate appearing on behalf of the defendants raised no objection in this respect.

Considering the aforesaid, this Court considers that the prayer for striking off the name of the defendant no. 5 is attracting the stipulation of the Order I Rule 10(2) read with Section 151 of the CPC and as such, necessarily be permitted in the fact situation of the instant case.

Hence, let the name of the defendant no. 5 be strike off from the cause title of the plaint.

B.C to do the needful and note it accordingly in the plaint as well as in the concerned register.

The plaintiff to take necessary step to amend the cause title of the plaint of the instant suit accordingly.

Plaintiff/petitioner is also directed to file the amended plaint by **13.01.2026 at 11:45 a.m** after carrying out necessary amendment as directed above.

To date i.e. **13.01.2026 at 11:45 a.m** for further order.

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 Medinipur,
Paschim Medinipur&Jhargram

Sd/-

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