

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Misc. Case 02 of 2022
(CNR No. WBSP18-000051-2022)

Order No. 16
12.06.2023

In the matter of:
An Application under
order IX Rule 13 read
with Section 151
of CPC.
And
In the matter of:
UCO Bank
Vs.
Sri Bhagwati Prasad
Jhunjhunwala and 6 ors.

ORDERED

Today is fixed for clarification regarding application being I.A No. 03/2022.

Both parties have filed their respective haziras.

Heard Ld. Lawyers for the both sides.

Ld. Lawyer for the petitioner/applicant submits before this Court that the instant application being I.A No. 03/2022 is filed for abundant precaution as they have already filed one application, which is the instant misc case for setting aside the order and decree dated 29.09.2018. Ld. Lawyer for the opposite party submits before this Court that the instant application has been taken out by the applicant Bank for the purpose of saving limitation with regard to filing of Misc Case No. 02/2022 which is an application under Order 9 Rule 13 of the Civil Procedure Code, 1908.

So, considering the submissions of both sides, this Court is of the view that instant application being I.A No. 03/2022 should be disposed of along with the instant Misc Case No. 02/2022 as the point of contentions / subject matter are inter linked.

*Fix **05.07.2023 at 10:40 a.m** for case management hearing of the case.*

*Both parties are 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*