

Present: Smt. Suparna Ray (JO Code: WB00711)
Judge, Commercial Court at Alipore
Title Suit(Com) 04 of 2025
(CNR no. WBSP18-000059-2025)

Order No. 22
12.08.2025

In the matter of:
Suit for declaration and permanent
injunction valued at Rs.60,000/-and
Rs.5,000/-respectively total
Rs.65,000/-.

And

In the matter of:
DEBASISH KUMAR & 04 ORS.

V/S

ANANTA KUMAR GHOSH &
08 ORS.

ORDERED

Today is fixed for hearing reply by the defendant nos. 8 and 9 to the application under Order 7 Rule 11 read with section 151 of the CPC filed on 18.10.2023 and also for filing written notes of argument by the respective parties .

Hazira filed on behalf of the defendant nos. 8 and 9 through Ld. Advocate.

Plaintiffs file a petition praying for time on the ground of pendency of the A.L.P. No. 10 of 2025 before the Hon'ble High Court at Calcutta. In the said petition, the Plaintiffs have averred that the Plaintiffs filed the A.L.P. No. 10 of 2025 before the Hon'ble High Court at Calcutta on 04.08.2025 and the concerned Bench of the Hon'ble High Court at Calcutta having jurisdiction to hear the said petition takes up original side matter only on first half on Wednesday. Therefore, the said petition is due to appear before the concerned Bench of the Hon'ble High Court at Calcutta on 13.08.2025 (Wednesday). So, on the basis of that the instant matter pending before this Court should be adjourned.

It is further contended by the Plaintiff that this court on 11th August 2025 adjourned the TS (Com) 48 of 2023 till 25th August 2025 in respect of above .

Defendant no 8 and 9 has vehemently objected to the prayer for adjournment as prayed by the said Plaintiffs.

Defendant no 8 and 9 contention is that no order of stay has yet been passed by the Hon'ble High Court in respect of the said A.L.P. and

as such, the Defendant no 8 and 9 is ready and willing to proceed with the matter and is prepared to continue with the hearing

It is pertinent to state that by an Order dated 27.03.2025 while adjudicating an A.L.P. No. 02 of 2025 the Hon'ble High Court at Calcutta has been pleased to direct this Court to dispose of the instant suit along with other corresponding suit being registered as T.S (Com) 48 of 2023 within a period of six months. The niche averments of the said Order dated 27.03.2025 is as follows: “.....the Commercial Courts at Alipore is directed to hear the Commercial Suit being No. 48 of 2023 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 dispose of the two suits to be heard analogously, preferably within a period of six months from the date of transfer of records as directed”.

This Court upon bound by the aforesaid directive of the Hon'ble Court has been giving dates from time to time so as to dispose of the two suits aforesaid within six months preferably.

Whereas, due to such prayer for adjournment as prayed for this Court has granted adjournment to the parties respectively.

More so, it is to be further stated that till date there is no stay has yet been obtained by the Plaintiffs on the proceeding of the instant suit before this Court.

However, upon consideration of the aforesaid ground as surfaced by the Plaintiffs i.e. the pendency of A.L.P. No. 10 of 2025 before the Hon'ble High Court at Calcutta, this Court opines to grant an adjournment for today for the ends of justice.

However, the Plaintiffs 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 on the next day as fixed hereunder otherwise on the said day this Court will be in a position to hear the application.

Fix **25.08.2025 at 4.00 to 4.30 p.m** for hearing reply by the defendant nos. 8 and 9 to the application under Order 7 Rule 11 read with section 151 of the CPC filed on 18.10.2023 and also for filing written notes of argument by the respective parties .

Parties to act on the basis of the downloaded copy of the ordersheet from the Web-site/E-courts- app.

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*