

**Judge, Commercial Court at Alipore(in-charge)**

**Title Suit 20 of 2021**  
**CNR no. WBSP18-000077-2021**

Order No. 26  
25.04.2022

In the matter of :  
Suit for Declaration , recovery of  
possession with claim of money  
and damages with permanent  
injunction valued at  
Rs.4,00,10,000/-

And

In the matter of :  
Sri Ashis Bhuniya and anr. (1)

Vs.

In the matter of :  
Sri Bishnupada Mandal and 24  
ors.

**ORDERED**

Today is fixed for passing order in connection with the application being I. A no. I.A. nos. 01/2021 & 10/2021 and also for appearance of the Defendant No. 2,8,9,10,15 & 17.

Plaintiffs file hazira.

Defendant no. 24 files hazira.

Defendants no. 1, 3 to 7, 11 to 14, 16 & 18 to 21, 23 files hazira.

Others Defendants do not take steps.

Plaintiff further files an application under Section 151 CPC praying for passing order in the injunction application being I.A. no. 01/2021. Copy not served. Let the same be registered as **I.A. no. 25/2022**.

However, since an application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022 is pending challenging the maintainability of the instant suit before this Court, the instant suit including other interlocutory petitions cannot be proceeded without deciding the maintainability point and hence **such application is hereby considered and rejected**.

Accordingly, the I.A. no. 25/2022 is hereby disposed off.

Defendants no. 8, 9, 10 & 17 appears by undertaking to file Vokatnama on the next date fixed and also submits that the Defendants

*no. 2 & 17 has already expired. But, no death certificate has been filed by the said Defendants.*

*Defendants does not file any amended written statement and amended written objection.*

*Liberty shall also be given to the Defendants, to file amended written statement and if any.*

*Liberty shall also be given to the Defendants, to file amended written objection if any.*

**I.A. no. 24/2022**

*Plaintiff files an application praying for a direction upon the Defendant no. 24 to serve true legible copy of the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022.*

***The above application being formal in nature, prayer is considered and allowed.***

***Defendant no. 24 is directed to serve true legible copy of their application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022 upon the Plaintiff positively within 48 hours of this order.***

*Ld. PO is on leave.*

*Hence, the case is adjourned.*

*Fix **04.05.2022 at 1.30 p.m.** for filing objection if any, by the Plaintiff to the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022.*

**I.A. nos. 01/2021 & 10/2021**

*The instant applications shall be taken up after adjudication of the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022.*

*If the non appearing defendants do not appear within the next date fixed then the case shall be proceeded ex parte against the said Defendants.*

***To date for appearance of the Defendant No. 2 & 15.***

***Written statement within statutory period.***

**I.A. no. 26/2022**

*At this stage, Plaintiff files another application supported by an affidavit praying for extension of the ad-interim order of injunction dated 03.09.2021. Let the same be registered as **I.A. no. 26/2022**.*

*Considered and prayer is allowed.*

*Let the ad-interim order of injunction dated 03.09.2021 be extended till next date fixed.*

*Accordingly, the instant I.A. is also disposed off.*

*Both parties are to act on the basis of the downloaded copy of the ordersheet from the Web-site / Ecourts-app.*

Dictated & corrected by me,

Sd/-

Judge, Commercial Court at Alipore(i/c)  
For districts of South 24 Parganas, Purba Medinipur,  
Paschim Medinipur & Jhargram

Sd/-

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**Judge, Commercial Court at Alipore(in-charge)**

**Misc Case 01 of 2022**  
**(Arising out T.S. 20 of 2021)**  
**WBSP18-000013-2022**

Order No. 27

25.04.2022

*Today is fixed for affidavit-in-opposition if any, to the instant application.*

*Petitioner files hazira.*

*Respondent files an application praying for time to file written objection on the ground that an application under Order VII Rule 11 read with Section 151 CPC has been filed in T.S.-20/2021.*

*Considered and prayer is allowed.*

*Ld. PO is on leave.*

*Fix **04.05.2022 at 1.30 p.m.** for filing affidavit-in-opposition if any, to the instant application.*

*Both parties are to act on the basis of the downloaded copy of the ordersheet from the Web-site / Ecourts-app.*

Dictated & corrected by me,

Sd/-

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For districts of South 24 Parganas, Purba Medinipur,  
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