

Present: Sri Dev Kumar Sukul (JO Code WB00766)
Judge, Commercial Court at Alipore
Title Suit 20 of 2021
CNR no. WBSP18-000077-2021

Order No. 39
05.11.2022

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 hearing of the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022 by Plaintiff / Respondent.

Ld. Advocate on behalf of the Plaintiffs file hazira.

Defendant no. 24 files hazira.

Defendants no. 1, 3 to 14, 16 to 23 also files hazira.

Defendants no. 2 and 15 does not take any steps.

Defendants do not file any additional written statement and additional written objection.

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

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

I.A. no. 24/2022

Plaintiff files an application annexing a photocopy of the order dated 27.09.2022 of the Hon'ble High Court at Calcutta in **C.O. no. 3060 of 2022**, wherein the Hon'ble Court has been pleased to observe that:

“...Accordingly, learned Commercial Judge, at Alipore, South 24 Parganas, is requested to ensure expeditious disposal of injunction application together with connected application in

particular Order 39 Rule 4 C.P.C. and application for Order 40 Rule 1 C.P.C. praying for appointment of the Receiver, providing sufficient opportunity of hearing to the either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, the disposal of the injunction application together with connected applications may be disposed of expeditiously as possible, preferably before the end of December, 2022. Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

With this observation/direction, the revisional application stands disposed of..”

Defendant no. 24 files a petition submitting that they have preferred a review application against the above order before the Hon'ble Court being registered as RVW 225 of 2022 and considering the pendency of the said review application, Defendant no. 24 prays for proceeding with the hearing of the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022. Copy served and objected to.

On perusal of the above order dated 27.09.2022 of the Hon'ble Court, I find that there is an order to dispose off the injunction application together with connected applications expeditiously and best endeavour should be given to dispose off the said application by the end of December, 2022, but there is no direction that said injunction application is to be taken up first keeping aside the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022. Moreover, as per order dated 26.08.2022, today is already fixed for hearing of the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022.

Hence, the instant I.A. no. 24/2022 is taken up for hearing.

Heard Mr. Satyabrata Chakraborty, Ld. Sr. Counsel for the Defendant no. 24 in part and deferred.

Fix 30.11.2022 at 11:30 a.m. for further hearing of the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022 by Defendants / Petitioners.

01.12.2022 at 11.30 a.m. for hearing of the application under Order VII Rule 11 read with Section 151 CPC being I.A. no. 24/2022 by Plaintiff/ Respondent.

Written notes of argument if any in the mean time.

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.

Written statement within statutory period.

I.A. no. 32/2022

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. 32/2022**.

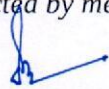
Considered and prayer is allowed.

Let the ad-interim order of injunction dated 03.09.2021 be extended till 01.12.2022.


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,


Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

JUDGE
COMMERCIAL COURT AT ALIPORE


Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

JUDGE
COMMERCIAL COURT AT ALIPORE

Present: Sri Dev Kumar Sukul (JO Code WB00766)

Judge, Commercial Court at Alipore

Misc Case 01 of 2022

(Arising out T.S. 20 of 2021)

WBSP18-000013-2022

Order No. 40

05.11.2022

Today is fixed for filing rejoinder to the objection if any, to the instant application.

Ld. Advocate on behalf of the Petitioners file hazira.

Petitioners file an application praying for time to file rejoinder to the objection against the instant application. Copy served.

Heard, considered and prayer is allowed.

Fix 30.11.2022 at 11:30 a.m. for filing rejoinder to the objection 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,



Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

JUDGE
COMMERCIAL COURT AT ALIPORE



Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
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JUDGE
COMMERCIAL COURT AT ALIPORE