

Present: Sri Srikumar Goswami
Judge, Commercial Court at Alipore.
Misc Case 03/2020
(Arising out of Money Suit-33/2019)

Order no. 15
03.03.2020

In the matter of :
An Application under Order 9
Rule 9 read with Section 151
CPC.

And

In the matter of :
Intellisys Technologies &
Research Pvt. Ltd.

Vs.

In the matter of :
Techno Teaching Info
Solutions Pvt. Ltd.

1. Today is fixed for hearing of an application under Order 9 Rule 9 read with Section 151 CPC as filed by the Plaintiff/Petitioner dated 03.02.2020.
2. I have heard both sides and also perused and considered the instant application as well as the W/O.
3. Considering the application as filed by the Petitioner, it can be concluded that the causes shown by them for not taking appropriate steps are not sufficient, particularly in a proceeding before the Commercial Court which has been established by the Commercial Courts Act, 2015 as

amended from time to time for effective and expeditious disposal of the commercial suits.

4. Another mistake as stated at Paragraph no. 5 as well as the inability of the Ld. Advocate in checking Cause List as well as not taking steps on 24.12.2019, as the members of the Bar were under observation of not to take part in any Court proceedings are foolish and unacceptable pleas. Particularly, on 24.12.2019, no date has been fixed by this Court in this case.
5. Due to laches of the Petitioner, two months time has been consumed in this Commercial Court which is not easily acceptable without payment of cost.
6. However, for the ends of justice, the present application under Order 9 rule 9 is allowed just to give an opportunity to the Petitioner to participate in the proceedings but subject to the payment of cost of Rs.5,000/- out of which Rs.3,000/- to be paid to the Respondent and Rs. 2,000/- shall be paid in favour of the Ld. Secretary, DLSA, Alipore.
7. Although strong objection has been raised on behalf of the Respondent, but for proper rendering of justice, the present application under Order 9 Rule 9 read with Section 151 CPC is allowed subject to the payment of the abovementioned costs with a caution that in future, the Petitioner shall remain serious in the day to day proceedings of this case.

8. To **16.03.2020** at 11 a.m. for passing necessary order if cost is paid, for restoration of the original suit and for hearing of the pending applications.
9. Let the copies of this order be issued to all the parties to the dispute through electronic mail as per the amended provision of Order XX of the Civil Procedure Code in view of the amendment under the Commercial Courts Act, 2015.
10. The Department is asked to collect the e-mail ID of all respective parties as soon as possible.

Dictated & corrected by me

Sd/-
Judge, Commercial Court at Alipore
For South 24 Parganas, Purba Medinipore
& Paschim Medinipore

Sd/-
Judge, Commercial Court at Alipore
For South 24 Parganas, Purba Medinipore
& Paschim Medinipore

Present: Sri Srikumar Goswami
Judge, Commercial Court at Alipore.
Money Suit-33/2019

Order no. 16
03.03.2020

To **16.03.2020** at 11 a.m. for restoration of the instant suit, subject to the payment of cost as imposed upon the Plaintiff vide the order dated 03.03.2020 in Misc Case 03/2020.

Dictated & corrected by me

Sd/-
Judge, Commercial Court at Alipore
For South 24 Parganas, Purba Medinipore
& Paschim Medinipore

Sd/-
Judge, Commercial Court at Alipore
For South 24 Parganas, Purba Medinipore
& Paschim Medinipore