

**Present: Sri Utpal Misra (JO Code:WB00659)**  
**Judge, Commercial Court at Alipore**  
**Title Suit 21 of 2023**  
**Old Title Suit no. 131/2017**  
**CNR No. WBSP18-000100-2023**

Order No. 03  
28.11.2023

*In the matter of:*  
Suit for declaration  
recovery of damages  
valued at  
Rs.1,72,48,652/- (Rs.500-  
for declaration,  
Rs.1,72,48,152/- for damages.

*And*

*In the matter of:*  
M/S. RESCON (INDIA) PRIVATE  
LIMITED

*Vs.*

*In the matter of:*  
MACNEILL ENGINEERING  
LIMITED

**ORDERED**

*Today is fixed for case management hearing of the suit.*

*Plaintiff has filed hazira.*

*It appears from the case record that the case was already run **ex-parte** against the Defendant vide order dated 26.04.2018 in erstwhile Court.*

*At this stage Defendant enters into its appearance today by filing Vakalatnama. Let it be kept with the record.*

*Ld. Counsel on behalf of the Defendant has filed a petition stating that they want to contest the instant Suit by filing a application for vacating the ex-perte order of the Ld. Court .*

*As the instant suit runs ex-perty against the Defendant . So, I have no other option but to reject the application filed by the the Defendant . Hence , the same is rejected.*

*Fix **10.01.2024 at 10.30 to 11.00 a.m** for ex-parte argument of the suit.*

*Parties 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  
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*