

IN THE COMMERCIAL COURT AT ALIPORE

Present: *Smt. Suparna Ray (JO Code:WB00711)*

Title Suit (Com) 27 of 2025
(CNR No. WBSP18-000174-2025)

Shalimar Chemical Works Private Limited.

.....Plaintiff

Vs.

Samsuddin Sk.

.....Defendant

Order No.05

Date:22.01.2026

Today is fixed for fixing the date of hearing of the application being I.A No. 3 of 2025.

Today is also fixed for submitting explanation on behalf of the plaintiff for non compliance of the direction of this court vide order dated 23.12.2025.

Hazira filed on behalf of the plaintiff through Ld. Advocate.

Defendant appeared today by filing Vakalatnama.

Hazira also filed on behalf of the defendant through Ld. Advocate.

Ld. Advocates of both sides are present.

Heard Ld. Advocates of both sides.

The written explanation is submitted on behalf of the plaintiff today.

Perused the same .

I heard Ld. Advocates of both sides

In the instant explanation, the plaintiff submitted that in compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, copy of the order dated December 23, 2025 along with copy of plaint and petition along with its annexures were duly served upon the defendant-respondent on December 24, 2025 and the affidavit of service was also filed over the e-portal on December 24, 2025. Due to winter vacation in between December 24, 2025 till January 2, 2025, the e-filed copy of the affidavit of service could not be filed before the Hon'ble Court. Copies of the said affidavit along with acknowledgement are annexed hereto, marked with the letter 'X'. It is further submitted that such fact of service is evident from the acknowledgement as attached bearing number of EW405893703IN dated December 24, 2025, and the track report evidencing the same as delivered on December 29, 2025. Accordingly the plaintiff-petitioner prays to take the

affidavit of service filed with copy of track report evidencing compliance under Order XXXIX Rule 3 of CPC.

Considering the explanation submitted by the plaintiff and also considering the postal receipt, track report and affidavit of service, this Court inclined to accept the explanation submitted by the plaintiff.

An adjournment petition has been filed on behalf of the defendant to file written on objection on the ground stated therein.

Heard, considered.

*Fix **07.03.2026 at 12:30 p.m. to 1:00 p.m** for filing affidavit in opposition to the application under Order XXXIX Rule 1 and 2 of CPC being I.A No. 2/2025 and for filing affidavit in objection against I.A. No. 04/2026 by the defendant.*

***Todate** for hearing of the application being I.A No. 03/2025 by the defendant. Affidavit in opposition, if any, in the mean time.*

I.A. No. 05 of 2026

Plaintiff has filed an application supported by an affidavit praying for extension of the ad interim order of injunction dated 23.12.2025 as granted by this Court.

Heard, Considered and the prayer is allowed.

Accordingly, ad-interim order of injunction dated 23.12.2025 is extended till the next date fixed.

*Therefore, the instant **I.A No. 5/2026** is hereby disposed of accordingly.*

Parties to act accordingly with the downloaded copy of order sheet from Ecourts App /Website.

Dictated & corrected by me,

Sd/-

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

Sd/-

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For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram*