

**Present: Sri Utpal Misra (JO Code:WB00659)**  
**Judge, Commercial Court at Alipore**  
**Title Suit 22 of 2022**  
**CNR no. WBSP18-000185-2022**

Order No. 11  
02.08.2023

In the matter of:  
Suit for recovery of  
possession, damages and  
mesne profits valued at  
Rs.11,31,30,000/-.

And

In the matter of:  
Macneill Properties LLP  
Vs.

In the matter of:  
Orient Beverages Ltd. &  
ors.

**ORDERED**

*Today is fixed filing written objection to the application being I.A no. 10/2023 , and I.A no. 12/2023 and I.A 07/2023 by the Plaintiff and S/R and Appearance of the remaining Defendants.*

*Also for filing affidavit in reply to the application under order 39 Rule 4 read with section 151 CPC , 1908 being **I.A no. 09/2023** by the Defendant no. 18 and for filing affidavit in opposition to the application being I.A no. 02/2022 by the Defendants No. 2 to 5 & 18 and affidavit in reply to the affidavit in opposition as filed by the Defendant No 6 by the Plaintiff.*

*Today is also for written objection with regard to **I.A. No. 13/2023 and I.A. No. 14/2023** by the Plaintiff.*

*Plaintiff and Defendant nos. 8, 6, 18 and 2-5 file their respective haziras.*

*Plaintiff files affidavit in reply to the written objection filed by the Defendant no. 6 of the injunction application being I.A. No. 02 of 2022. Let the same be kept on record.*

*Today respective Ld. Advocates appearing for Defendant nos. 6, 8, 18, 2 to 5 pray for accepting of the W/S filed by them seperately. They also submit that the said W/S have been filed within the statutory time framed as prescribed in the provision of the*

*Commercial Courts Act. It is pertinent to mention here that Defendant nos. 2 to 5 file petition regarding acceptance of the W.S. filed by them earlier. Let the same be registered as I.A. No. 07 of 2023. No objection is filed by the plaintiff against the acceptance of W/S filed by the defendants as mentioned above.*

*Considering all, Written Statements supported by acceptance petitions filed by the aforesaid Defendants are hereby accepted and as such the I.A. Nos. 07 of 2023, 13 of 2023, 12 of 2023 and 17 of 2023 are thus disposed of accordingly. Let the Written statements be taken on record.*

*It appears from the record that the I.A. No. 14 of 2023 filed by the Defendant no. 8 regarding condonation of delay of filing the written statement is on the docket. On perusal it reveals that the prayer sought for by the said Defendant no. 8 in I.A. No. 13 of 2023 is akin to the instant application i.e. I.A. No. 14 of 2023. Since the I.A. No. 13 of 2023 is disposed of as such the I.A. No. 14 of 2023 is otiose and hereby disposed of accordingly.*

*One Mohammad Shabbir on behalf of the Defendant no. 19 files a petition along with photo copies of death certificate of Defendant no. 19 and prays for necessary order as regards.*

*Let the same be kept on record.*

*Plaintiff is directed to take necessary steps against the deceased Defendant no. 19 on the next date **i.e. 08.09.2023 at 11:30 A.M.***

***To date** for S/R appearance of the remaining Defendants.*

### **I.A. No. 18/2023**

*Plaintiff files an application praying for extension of ad-interim order of injunction dated 02.01.2023. Let the same be registered as **I.A. no. 18/2023.***

*Prayer is considered and allowed.*

*Let the order of ad-interim injunction is extended till next date fixed.*

***Let the I.A. No.18/2023 be disposed off.***

*Parties to act on the basis of the downloaded copy of this order  
from the Website / 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*