

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Title Suit 22 of 2022
Renumbered as TS (Com) 44 / 2022
CNR No. WBSP18-000185-2022

Order no. 19
19.04.2024

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.
Orient Beverages Ltd. & Ors.

ORDERED

The record is put up today on the basis of an application filed by the plaintiff as the plaintiff intends to move a separate application praying for expunging the names of the respondent nos. 2 to 5, 6 and 18 from the instant suit.

Plaintiff has also filed a copy of the email served upon the defendants in order to show that they have already served the copies of the instant put up application as well as application under Order 1 Rule 10 (2) of the CPC. Let the same be kept with the record.

The application under Order I Rule 10 (2) of the CPC, 1908 which has been registered as **I.A No. 28/2024** has been taken up for hearing.

Seen the application.

Heard Ld. Lawyer for the plaintiff.

It is the contention of the plaintiff that the plaintiff has filed the instant suit praying for injunction restraining the respondent nos. 1 to 19 from parting with possession in favour of any other person other than the petitioner or from creating any third party rights in respect of any part of the suit premises being no. 225C, Acharya Jagadish Chandra Bose Road, Police Station Ballygunge, Kolkata-700020 which is morefully described in the schedule of the instant suit. This Court is duly granted the ad interim order of injunction in terms of the prayer (a) of the injunction application on 02.01.2023.

According to the plaintiff/petitioner the instant petition has been necessitated so as to expunge and/or strike out the names of the defendant nos. 2 to 5, 6 and 18 from the cause title of the plaint as the disputes between the said parties have already been settled amicably outside the Court as such the plaintiff/petitioner does not have any cause of action against the said defendants/respondents or reliefs as prayed for by the plaintiff/petitioner in the plaint. A copy of of the letters instructing the Advocates on record regarding such settlement between the parties which is annexed along with the instant application.

According to the petitioner/plaintiff owing to such reasons as stated above with regard to the settlement, respondent nos. 2 to 5, 6 and 18 are no longer necessary party to the instant suit and hence prayed for necessary order in this regard from this Court.

Having heard the submission of Ld. Lawyer for the plaintiff/petitioner, the instant application under Order 1 Rule 10(2) of the CPC, 1908 is hereby considered and allowed.

The **IA No. 28/2024** is thus accordingly disposed of.

The names of the defendants/respondent nos. 2 to 5, 6 and 18 are hereby expunged from the cause title of the plaint.

Note in the register.

D.A to do the needful.

Todate i.e., **15.05.2024**.

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*