

OD-3

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS/16/2021
IA NO: GA/2/2023

AMALGAMATED FUELS LTD
VS
DEEPAK PURI AND ORS

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 10th February, 2023.

Appearance:
Mr. Avinash Kankani, Adv.
Mr. Sarosij Dasgupta, Adv.
Mr. Suman Majumder, Adv.
...for plaintiff.
Mr. Utpal Bose, Sr. Adv.
Mr. Rajarshi Dutta, Adv.
Ms. Labanyasree Sinha, Adv.
Mr. Vidhya Upadhyay, Adv.
..for defendant no. 1 and 2
Mr. Krishnaraj Thakker, Adv.
Mrs. Suchismita Ghosh Chatterjee, Adv.
Mr. Altamash Alam, Adv.
Mr. Malay Seal, Adv.
...for defendant no. 3.

The Court:- Perused the report filed by the Registrar, Original Side in terms of the order dated 3rd February, 2023. It appears from the report that the defendant no. 3 has entered appearance on 13th July, 2021 and filed the written statement on 14th July, 2021. The defendant no. 2, however, maintained stoic silence about such entering of appearance and filing of the written statement till 3rd February, 2023. No copy of the written statement or intimation as to entering of appearance had been given by the said defendant no. 3 to the plaintiff. The defendant nos. 1 and 2 were also not informed. The defendant no. 3 submits that the said defendant has taken out an application, inter alia, for disclosing

documents on which they intend to rely upon, recall the plaintiff's witness for cross-examination and also to adduce evidence. The said application being GA/2/2023 is scheduled to appear on 13th February, 2023. A copy of this said application has been served on the plaintiff but not on the defendant nos. 1 and 2. Let a copy of the written statement and the application being GA/2/2023 be served on the plaintiff and the defendant nos. 1 and 2 in course of the day if not already served. Let the application being GA/2/2023 appear in the list on 16th February, 2023 instead of 13th February, 2023 on the joint prayer of the parties. The suit is for the time being directed to go out of the list with liberty to mention.

(ARINDAM MUKHERJEE, J.)

SK.