

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/354/2024
[Old Case No. CS/41/2022]
IA No.GA/1/2022, GA-COM/6/2024, GA-COM/7/2024

DIVIJ MERCANTILES PRIVATE LIMITED
-VS-
ASHOKA HAWAI AND SHOES PVT LTD

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : April 4, 2025.

Appearance :
Mr. Hemant Tiwari, Adv.
... for the plaintiff

1. Mr. Hemant Tiwari, learned counsel, is appearing for the plaintiff.
2. None appears on behalf of the defendant.
3. The plaintiff has filed the present application being GA-COM/6/2024 praying for a decree in terms of the prayer made in the plaint along with the interest and other expenses.
4. This Court finds that in a similar matter in the case of *K P Credit And Traders Pvt. Ltd. -vs- Ashoka Hawaii And Shoes Pvt. Ltd.* in CS-COM/353/2024 [Old Case No. CS/40/2022] in GA-COM/6/2024, this Court has rejected the similar prayer made by the plaintiff in the said suit. The order passed by this Court dated 7th January, 2025 in the above mentioned matter is squarely applicable in the present suit.
5. In view of the above, GA-COM/6/2024 is dismissed.

6. The plaintiff has also filed an application being GA-COM/7/2024 praying for recalling of the order dated 12th April, 2024 passed by this court.
7. As none appears on behalf of the defendant, for the interest of justice, the case is adjourned.
8. In the meantime, the parties are directed to exchange their affidavits.
9. Affidavit-of-service filed by the plaintiff be kept with the record.
10. Let GA-COM/7/2024 appear on 6th May, 2025 for hearing.
11. The plaintiff submits that though the plaintiff has filed the application being GA-COM/7/2024 for recalling of the order dated 12th April, 2024 but inadvertently the said order is not enclosed with the present application and prays for leave to file the supplementary affidavit by disclosing the said order.
12. Accordingly, the plaintiff is granted leave to file supplementary affidavit by disclosing the order dated 12th April, 2024 in GA-COM/7/2024 within a week from date after serving copy to the learned counsel for the defendant.

(KRISHNA RAO, J.)