

OD-15

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

IA NO. GA/3/2021
In CS/112/2020

EVERGREEN DEALER PRIVATE LIMITED
Vs
GUJARAT ECO TEXTILE PARK LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 9th JANUARY, 2024.

Appearance :
Mr. Meghnath Dutta, Adv.
Mr. Rajesh Upadhyay, Adv.
For the plaintiff

Mr. Phiroj Edulji, Adv.
Ms. Soumili Choudhury, Adv.
For the defendant

The Court : Mr. Meghnath Dutta, learned Counsel appearing for the plaintiff and Mr. Phiroj Edulji, learned counsel appearing for the defendant.

Counsel for the defendant submits that the defendant has preferred an appeal against the order passed by this Court dated 31st August, 2023 and the same is pending before the appellate Court.

Counsel for the defendant submits that there are some document which is required to be brought on record by way of supplementary affidavit and he also prays for leave to file supplementary affidavit.

Counsel for the plaintiff raised an objection and submits that the matter is specially fixed today for hearing and the defendant has not obtained any order of stay and this Court can proceed of the instant application.

Considered the submission made by the learned counsel appearing for the respective parties. This Court found that an appeal is pending, one opportunity should be given to the defendant to obtain an order from the appellate court.

Let supplementary affidavit be filed within two weeks; reply, if any, be filed within a week thereafter.

List this matter on 7th February, 2024 at 3.45 P. M.

It is made clear that if no order is obtained from the appellate Court, the application will be proceeded accordingly.

(KRISHNA RAO, J.)