

IA No. GA/1/2022
In
CS/170/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

ADAIR DUTT ELECTRONICS PRIVATE LIMITED
VERSUS
EXHIBITORS SYNDICATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 24th April, 2023.

Appearance:
Mr. Chayan Gupta, Adv.
Mr. Shouveek Ray, Adv.
Mr. Pourush Bandopadhyay, Adv.
Mr. Niket Ojha, Adv.
For the plaintiff/petitioner.

The Court :- The defendant has remained unrepresented on 31st October, 2022 as a result whereof the matter was adjourned. On 9th November, 2022 the defendant appeared and in presence of the defendant after considering the argument advanced by the respective parties an order was passed the operating portion whereof is set out hereunder and direction for filing affidavits were also given.

"The defendant, therefore, is injuncted from operating all its bank accounts opened against its PAN AAACE5734C in any form and manner whatsoever without leaving a consolidated balance of Rs.12 lakhs in its bank accounts or Rs. 12,00,000/- in any single bank account until further orders. The defendant shall also not sell and dispose of any of its fixed assets save and except in usual course of business without retaining to itself assets aggregating to the value of Rs.12 lakhs until further orders."

No affidavit has yet been filed. The defendant thereafter took out an application for rejection of plaint. The said application has been dismissed for default on 10th April, 2023 after giving several adjournments and finding that the defendant/applicant was absent even at the second call on 10th April, 2023. No application for recalling of the order dated 10th April, 2023 for restoration of the application so dismissed to its original file and number has been served on the plaintiff. The inevitable presumption is that till date no application for restoration has been made by the defendant.

The defendant remains unrepresented even today at the second call. Going by the conduct of the defendant, there is no point in further adjourning the matter. No one has sought for any adjournment on behalf of the defendant. No one has also applied to represent the defendant through virtual mode.

In the aforesaid facts and circumstances, after hearing the plaintiff and considering the materials on record, I confirm the injunction order passed 9th November, 2022 the operative portion whereof has been set out hereinabove until disposal of the suit.

The application, IA No. GA/1/2022 in CS 170 of 2022 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)