

OD-2

ORDER SHEET

CS/752/1990

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

LABHCHAND UMESH CHAND
VS
INDIAN OIL CORP.LTD.

BEFORE:

The Hon'ble JUSTICE RABINDRANATH SAMANTA

Date : 16th June, 2022

Appearance:

Ms. Urmila Chakraborty, Adv.

Mr. Amit Meharia, Adv.

Ms. Paramita Banerjee, Adv.

Ms. Subika Paul, Adv.

...for the defendant

The Court: Ms. Urmila Chakraborty, learned Advocate appears for the defendant.

None appears for the plaintiff.

Ms. Chakraborty, learned Advocate submits that the plaintiff is not interested to proceed with the suit. By referring to orders dated 15th October, 2020, 2nd December, 2020, 9th February, 2021 and 19th May, 2022, learned Advocate submits that despite the plaintiff was given opportunity to participate in the hearing of the suit, but he did not prefer to avail of such opportunity.

In view of the above, learned Advocate submits that the suit brought by the plaintiff should be dismissed.

Learned Advocate submits that her client will not proceed with the counter-claim filed in the suit.

It appears from the order dated 15th October, 2020 that this Court before hearing an application filed by the defendant seeking removal and disposal of 420 once used empty additive barrels directed the defendant to serve notice upon the plaintiff.

As it appears from order dated 2nd December, 2020, notice was duly served upon the plaintiff, but the plaintiff did not take any step to contest the aforesaid application or the suit.

By order dated 9th February, 2021 this Court observed in serious concern that the plaintiff was avoiding the Court deliberately and intentionally and as such the defendant was given liberty to apply before the regular Bench for appropriate orders.

After the suit was placed before the regular Bench, this Court vide order dated 19th May, 2022 directed the learned Registrar, Original Side to submit a report whether any written statement to the counter-claim of the defendant has been filed by the plaintiff or not.

As it is evident from the report submitted by the learned Registrar-in-Charge, Original Side, the plaintiff did not file any written statement to the counter-claim filed by the defendant.

The aforesaid facts and circumstances reveal that the plaintiff is not at all interested to proceed with the suit.

In view of the above, the suit is dismissed for default.

The defendant is permitted to withdraw the counter-claim with liberty to file the same as and when required.

(RABINDRANATH SAMANTA, J.)

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