

OD-8

CS/129/2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

ABP PRIVATE LIMITED

Vs.

MANISH DUGGAR

BEFORE :

The Hon'ble JUSTICE KRISHNA RAO

Order On: 02.01.2023

Appearance:

Mr. Soumabho Ghose, Adv.
Mr. Soumitra Datta, Adv.
Ms. Tiana Bhattacharyya, Adv.
Ms. Arti Bhattacharyya, Adv.
... for the plaintiff

ORDER

The instant suit is listed as to be mentioned as per prayer made by the Counsel for the plaintiff. Learned Counsel for the plaintiff submits that the judgment passed by this Court dt. 10.11.2022 in CS No. 129 of 2021 requires corrections at page nos. 4 and 5 of the judgment.

Learned Counsel for the plaintiff submits that in page 4 and page 5 of the Judgment, this Court has given the details of Exhibits but the details of the exhibits is required to be corrected and details of Exhibit “11” is not recorded in the Judgment.

Considered the prayer made by the Counsel for the plaintiff and the judgment dated 10.11.2022 passed in CS 129 of 2021 and the Exhibits. This Court finds that in page 4 and page 5 of the judgment, the details of the Exhibit Nos. 1 to 10 are required to be corrected and details of Exhibit “11” is required to be added.

In page 4 and page 5 of the Judgment dt. 10.11.2022, the details of the Exhibits 1 to 10 are corrected as follows :

“Exhibit – ‘1’ Collectively : Release orders along with the majority of the covering emails sent by the defendant to the plaintiff for publication of advertisement.

Exhibit – ‘2’ Collectively : Schedule of release orders which the plaintiff has published in their respective papers i.e. ‘Anandabazar Patrika’ and ‘The Telegraph’.

Exhibit – ‘3’ Collectively : Ledger of the defendant which are maintained in the book of accounts of the plaintiff’s SAP (Systems, Applications and Products in Data Processing).

Exhibit – ‘4’ Collectively : Copies of e-mails which have the invoices raised by the plaintiff to the defendant.

Exhibit – ‘5’ Collectively : Copies of the invoices issued by the plaintiff to the defendant along with majority of the advertisements published.

Exhibit – ‘6’ Collectively : Schedule of invoices raised by the plaintiff against the defendant for publishing their advertisement in the magazine and the newspaper.

Exhibit – ‘7’ Collectively : Letter dt. 01.07.2019 issued by the plaintiff to the defendant to clear the overdue outstanding which was prepared by the witness and signed by Mr. Pankaj Paharia who was the Reporting Manager. Another letter dt. 07.08.2019 being the reminder issued by the plaintiff to the defendant to clear the overdue amount of Rs. 2,17,27,224/-.

Exhibit – ‘8’ Collectively : On 12.08.2019, the plaintiff sent an email to the defendant to clear the overdue amount of Rs. 2,17,27,224/- and on the same date, the defendant Company had replied to the said email by confirming the said amount and assured that the defendant will clear the overdue amount and prayed for same time. Email dated 17.09.2019 issued by the defendant to the plaintiff, email dated 24.09.2019 issued by the plaintiff to the defendant, email dated 24.09.2019 issued by the defendant to the plaintiff, email dated 25.09.2019 issued by the plaintiff to the defendant, email dated 27.09.2019 issued by the defendant to the plaintiff.

Exhibit – ‘9’ Collectively : Copies of the e-mails dated 12.11.2020, 13.11.2020, 14.12.2020, 15.12.2020, 16.12.2020, 17.12.2020, 08.01.2021, 12.01.2021 and 20.01.2021 exchanged between the defendant and the plaintiff calling upon the defendant for payment of the overdue amount.

Exhibit – ‘10’ Collectively : Legal notices dated 10.01.2020 and 21.10.2020 issued by the plaintiff to the defendant along with the postal receipts dt. 21.10.2020.

The Exhibit “11” is added as follows :

Exhibit – ‘11’ Collectively : Prayers of the Plaint and the signature of the authorized representative of the plaintiff verifying the plaint.”

The above correction be incorporated in the Judgment dated 10.11.2022 by deleting the details of exhibits mentioned at page nos. 4 and 5 of the Judgment dt. 10.11.2022.

This order be treated as part of Judgment dt. 10.11.2022.

(KRISHNA RAO, J.)

p.d/