

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

CS/27/2011

UTSAV PROJECTS PRIVATE LIMITED & ANR.
VS
WADHAWAN RETAIL PRIVATE LIMITED

&

CS/300/2012

WADHAMAN RETAIL PVT.LTD
VS
UTSAV PROJECTS PVT.LTD & ANR.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 20th JULY, 2023.

Appearance:

Mr. Rupak Ghosh, Adv.
Mr. Debdut Mukherjee, Adv.
Ms. Nilanjan Auddy, Adv.
Mr. Tapan Sil, Adv.
..for the plaintiffs in CS27/2011 and
defendants in CS/300/2012

The Court: Counsel for the plaintiff is present along with witness No.

1.

It is found from the record that for the several days the defendant is not appearing in the matter.

By an order dated 26th June, 2023 this Court has passed a specific order indicating that if on the date fixed the defendant fails to appear, appropriate orders will be passed.

The order dated 26th June, 2023 was communicated to the defendant and the plaintiff has filed affidavit of service. Let the same be kept with record.

From the affidavit of service it reveals that the address which is appearing in the plaint on which the plaintiff had sent the notice to the defendant, there is a remark from the postal authority, 'left'.

In view of the submission mentioned above, this Court has no other alternative but to close the cross-examination of the plaintiff's witness.

Counsel for the plaintiff submits that he will not adduce any further evidence accordingly, evidence of the plaintiff is also closed.

Let the matter appear on 11th August, 2023 at 3.45 P.M.

The defendant in CS/27/2011 has filed another suit being CS No. 300 of 2012 but it is found from the record that for the several days, the plaintiff has not taken any steps in the suit.

Accordingly, this Court has no other alternative to dismiss the suit being CS/300/2012 for default.

Interim order, if any, stands vacated.

(KRISHNA RAO, J.)