

22.02.2024
Ct. No. 19
Sl. No.13
Cp

C.O. No. 499 of 2024

Keva Kaipo Industries Private Limited
Vs.
Mithun Sadhukhan & Ors.

Mr. Anuj Singh
Ms. Priyanka Prasad
Mr. Ramendu Agarwal

.....for the petitioner.

The petitioner is the plaintiff who challenges an order dated January 29, 2024, passed by the learned Judge, Commercial Court at Rajarhat in Title Suit No. 33 of 2023. By the order impugned, the learned court refused to regularize the ad interim order dated December 22, 2023, in the absence of a formal application.

The learned advocate for the petitioner submits that the learned court proceeded with material irregularity in passing such order, when the application for extension of the ad interim order had been kept on record.

The order dated January 8, 2024, had been brought to the notice of this Court. In my view, this defect in the order of the learned court on the misconception that no application had been filed for extension of the interim order must be raised before the learned court itself. The court would be the best judge to see whether such an application is actually available in the records.

Under such circumstances, the revisional application is disposed of.

However, the petitioner is granted liberty to pray for an ad interim order on the basis of the application which is pending before the learned court. The learned court shall decide the prayer for extension, in accordance with law, on the basis of the pending application, if found in the records.

The petitioner is at liberty to pray for expeditious listing of the matter, upon notice to the opposite parties so that his prayer for ad interim order can be heard immediately, in the event such application is available.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)