

10.09.2025
SL No.13
Court No.16
(gc)

**FAT 221 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Sweet Bengal Pvt. Ltd.
Vs.
Chung Li Hung & Anr.**

Mr. Rupak Ghosh,
Mr. R. N. Ghose,
Ms. Pritha Ghose

...for the Appellant.

Mr. Srijib Chakraborty,
Mr. Chandrachud Chatterjee,
Ms. Rubab Fatma,
Mr. Washim Akthir Dafader,

...for the Respondents.

1. The learned Counsel for the appellant submits that due to unforeseen circumstances, the appellant was unable to contest the suit and file any written statement, although, the appeal is directed against the decree passed on merits and it appears that the defendant/appellant did not file any written statement and the suit proceeded ex parte and was decided on the basis of the available evidence. In view of such submission, the appeal and the applications stand dismissed as withdrawn.
2. We make it clear that we have not gone into the merits of the matter.
3. We also make it clear that in the event any application is filed under Order 9 Rule 13 CPC,

the Trial Court may decide such application in accordance with law.

4. However, there shall be no order as to costs.
5. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)