

Court No. 6
(265719)

17.02.2025
(AD 6)
(S. Banerjee)

CO 3136 of 2024

Siblal Agrovat Pvt. Ltd.
Vs.
Sufal Sharma Proprietor of M/s. Sharma Feed Centre
with
CAN 1 of 2025

Mr. Samir Kumar Chowdhury
...for the petitioner

1. Affidavit of service filed in Court today is taken on record.
2. In spite of service none appears for the opposite party.
3. This is an application under Article 227 of the Constitution of India at the instance of the plaintiff and is directed against order no. 16 dated July 16, 2024, passed by the learned Judge, Commercial Court at Rajarhat in Commercial Suit being MS(Com) 91 of 2024. By the said order the application under Order XII Rule 6 read with Section 151 of the Code of Civil Procedure dated July 4, 2023 and February 27, 2024 were rejected ex parte.
4. Learned advocate appearing for the petitioner, on instruction, submits that the statement

recorded by the learned trial Judge in the order impugned to the effect that the plaintiff does not want a judgment on admission in respect of the admitted amount of Rs. 26,15,827/- was without any submission to such effect being made by the petitioner.

5. This Court has to accept the statements recorded in the judgment as sacrosanct and cannot permit a party to challenge such recording in this civil revision application. It is well settled that the statement of facts as to what transpired at the hearing recorded in the order of the Court are conclusive of the facts stated and no one can contradict such statements by affidavit or other evidence.

6. It is for the petitioner herein to approach the learned trial Judge and draw the attention of the learned Judge that there had been an error in the recording of the submission of the learned advocate for the petitioner who appeared before the learned trial Judge.

7. Since the learned advocate for the petitioner, upon instruction, submits that the plaintiff is willing to have a judgment on admission in respect of the admitted amount of Rs. 26,15,827/-, this Court is of the considered

view that the plaintiff/petitioner herein should be given an opportunity to approach the learned trial Judge with such prayer.

8. In view thereof, plaintiff/petitioner herein will be at liberty to take out an appropriate application before commercial Court. If such an application is taken out, the learned Judge of Commercial Court at Rajarhat, District North 24 Parganas shall dispose of the same by passing a reasoned order after giving an opportunity of hearing to the respective parties, as expeditiously as possible without granting any unnecessary adjournments to either of the parties.
9. With the above observation CO 3136 of 2024 is disposed of.

(Hiranmay Bhattacharyya, J.)