

D/L. 47.
January 17, 2025.
MNS.

C. O. No. 3601 of 2024

Frostees India Private Limited
Vs.
ATC India Electronics Private Limited and
another

Mr. Dyutimoy Pal,
Ms. Sucheta Ghosh

... for the petitioner.

1. In view of the innocuous nature of the order,
no prior service of notice is directed.
2. The plaintiff in a suit for eviction of licensee
and consequential reliefs as well as for
arrears of license fees is the petitioner before
this Court.
3. It is submitted by learned counsel for the
petitioner that a previous application for
injunction filed by the petitioner was disposed
of by the learned trial Judge.
4. Another application under Order VII Rule 11 of
the Code of Civil Procedure, filed by the
defendant/opposite party no.1, has been
heard by the learned trial Judge and reserved
for judgment and is awaiting orders to be
passed tomorrow, which is the next date fixed
in the trial Court.

5. It is submitted by learned counsel for the petitioner that the pending application under Order XXXIX Rule 10 of the Code is otherwise ready for hearing since pleadings have been exchanged between the parties and may be directed to be disposed of expeditiously.
6. Accordingly, C. O. No. 3601 of 2024 is disposed of by requesting the learned Judge, Commercial Court, District - North 24 Parganas at Rajarhat, to dispose of the pending application under Order VII Rule 11 of the Code of Civil Procedure tomorrow, which is the next date fixed. The learned Trial Judge is also requested to take up for hearing the pending application under Order XXXIX Rule 10 of the Code filed in connection with TS (COM) No. 93 of 2024 tomorrow itself and to dispose it of as expeditiously as possible, preferably within a fortnight from date.
7. The parties as well as the learned trial Judge shall act on the communication of the learned Advocate of the petitioner, coupled with a server copy of this order, without insisting upon production of a certified copy of this order.

(Sabyasachi Bhattacharyya, J.)