

28.01.2025
45.
Ct.237.
Bd.

C.O. 3767 of 2024

United Bank of India

-Vs-

Sri Debjyoti Bhattacharjee & Ors.

Mr. Sukanta Ghosh ...for the Petitioner.

Being aggrieved and dissatisfied with the order dated 31st January, 2024 passed by the learned Commercial Court Alipore, in Money Suit No. 04 of 2023 the present application has been preferred.

Petitioner contended that the petitioner United Bank of India, presently known as Punjab National Bank has been impleaded in the Money Suit No. 04 of 2023 as pro-forma defendant no. 4. He further submits that by the impugned order dated 31st January, 2024 the Court recorded that since defendant no. 4/petitioner did not appear on the date fixed the Court was pleased to fix the suit ex-party against the said defendant/petitioner. Petitioner's contention is that no summons was ever served upon the defendant no. 4, and without giving them any opportunity to explain, the Trial Court has posted the suit for ex-parte hearing against them.

Petitioner submits that a direction may be passed upon the Court below to give liberty to the to contest the suit. Since the order going to be passed by this Court in connection with the present application will not cause any prejudice to either of the parties, the service of copy of application upon the opposite parties are dispensed with.

C.O. 3767 of 2024 is hereby disposed of with a direction upon the Court below to give the petitioner/defendant no.4 an opportunity to contest the suit after vacating ex-parte hearing posting order against them, if they made any such prayer before the Court below within a period of thirty days from the date of communication of this order.

Parties are to act on the server copy of this order, duly downloaded from the official Website of this Court.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)