CO 4062 OF 2024

17.02.2025
Sl no. 28
Ct no. 30
P.M.

M/s. Halder Distributers.
- Vs –
Alkem Laboratories Ltd.

Mr. Ramashis Mukherjee,
Ms. Debanjana Sen
... for the Petitioner

The present revisional application has been preferred against the order dated 27.09.2024 passed by the learned Civil Judge (Senior Division), 4th Court at Alipore in connection with proceedings arising out of Money Suit being Money Suit No. 171 of 2018 now pending before the Court of learned 4th Civil Judge (Senior Division) at Aliproe, South 24 Parganas, thereby fixing 27.11.2024 for exparte hearing of the suit.

Learned counsel for the petitioner/defendants submits that service upon the defendant before the Trial Court was not effected in accordance with law and as such he could not appear before the Court at the right stage. Subsequently along with all supporting documents he filed a petition showing cause before the Trial Court praying for permission/leave to contest the suit. The Trial Court

not being satisfied rejected the application showing cause.

It is submitted that due to genuine reasons he could not appear before the Court and as such he has been severely prejudiced.

Considering the nature of relief prayed for service is dispensed with. The Civil Revision is disposed of by setting aside the order dated 27.09.2024. The direction for exparte hearing is accordingly vacated.

The defendant is directed to appear before the Trial Court on the next date of hearing i.e. on 13th March, 2025 and the Court shall permit him to contest the case in accordance with law without granting unnecessary adjournment to either sides.

Considering the fact that the suit before the Trial Court is a Money suit the Trial Court shall make all endevour to dispose of the suit preferably within a period of six months.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Shampa Dutt (Paul), J.)