

In the Court of Sub Judge-II, Benipur

Present:- Sri Pranav Kumar Bharti

Title Suit No.-87 of 2013, Registration No.-1568/14

Smt. Rajkumari Devi others vs. Smt. Hira Devi & others

12-07.2021

Case is called out and record is produced before me. Both plaintiff and defendant are absent, do proper pairvi. Perused the case record. On perusal of the case record, it appears to the Court that this instant suit has been brought by the plaintiffs against eight defendants on 09.05.2013. After admission, Defendant was summoned, but they didn't appear. The Ex parte proceedings were initiated against the Defendant No.-1,3,4,5 & 6 by presuming the service of summons against them on 09.07.2013. It further appears that after publication of notice in a local news paper, Defendant No.- 1 to 6 appeared in the Court on 19.09.2013. Defendant No.-7 appeared on 27.11.2013 and W.S. were filed on their behalf on 27.01.2014. On perusal, it further appears that on hearing the plaintiff on publication, Ex parte proceedings were initiated against the Defendant No.-8 on 24.04.2014. It further appears that Defendant filed a petition for setting aside the Ex parte proceedings against Defendant No.-1 to 5 and the same was allowed on 17.12.2014. It further appears that Defendant No.- 6 & 7 were debarred from filing on 19.05.2015 and this record was fixed for hearing u/s-89 of the Civil Procedure code herein after referred as the C.P.C. It further appears that by seeing the reluctance of the parties on hearing u/s-89 of the C.P.C. this record has been fixed for filling documents & suggestive issues on behalf of the parties on 31.07.2015 and suggestive issues were filed on behalf of the Defendant No.-1 to 5 on 18.08.2015 and since 21.01.2016, this instant record has been pending for settlement of the issues, but neither party appeared for hearing on settlement of the issue. It further appears that while this record was fixed for hearing on settlement of issues, a petition U/O-VI, Rule-17 of the C.P.C. was filed on 22.03.2016 and the same was allowed on 07.06.2018. It further appears that a petition U/O-XXII, Rule-2 of the C.P.C. on 02.03.2017 and the same was allowed on 14.06.2017. On perusal of the case record, it further appears that while this suit was pending for filling original

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continued..... documents, a petition U/O-VI,Rule-17 of the C.P.C. was filed on 17.05.2019 and the same was allowed on 30.07.2019. It further appears that since 23.09.2019, this instant suit has been pending for further proceedings. This discrepancy is removed from today and this suit is being fixed at the stage for filling documents and suggestive issues on behalf of the parties.

The conduct of the plaintiff is not appreciable rather negligible and she left pairvi since 09.02.2021. The Court is of opinion that plaintiff is the master of the suit and he/she ought to present each and everyday whenever the case is called for hearing. So, both parties of the suit are directed to remain present for hearing. Last chance to plaintiff for filling original documents and suggestive issues,therwise proper order will be passed.

Fixing on 06-08-21 for filling original documents and suggestive issues.

Dictated

Sub Judge-II

12.7.21