

TS 26/2021

Order No. 17

Dated :20.04.2024

Plaintiff as well as defendant are present by filing lawyer's hazira.

Today is fixed hearing of petition for setting aside exparte order standing against the defendant and acceptance of W.S.

Plaintiff has filed one affidavit in reply. Copy not served. He is direction to serve the same to the defendant.

Plaintiff has filed a petition supported by an affidavit praying for extension of ad interim order of injunction.

Heard. Considered prayer is allowed for ends of justice. Let the ad interim order of injunction be extended till next date.

The case record is accordingly taken up for hearing setting aside petition filed by defendant.

At the time of hearing Ld. Lawyer of plaintiff submitted before me that defendant have filed WS along with counterclaim but plaintiff could not file WS against the Counterclaim within time due to his illness. So, the counterclaim proceeded exparte against him. So, he prayed for vacating the exparte order standing against him as he is very willing to contest the counterclaim filed by the defendant.

Ld. Lawyer of defendant was not found present at the time of his submission on repeated calls. It is already 4 .00 pm . So, the petition for exparte vacate take up for hearing.

Considering the submission advanced by the Ld. Lawyer of the plaintiff to the suit, I have perused the case record and materials on it, wherefrom it appears to me that plaintiff has not filed any medical documents in support of his contention. However, considering his intention and conduct I am of opinion that another opportunity may be given to the plaintiff for contesting the counterclaim. Having regard to the inconvenience faced by the defendant , the prayer of plaintiff is considered and allowed for ends of justice subject to payment of cost of Rs 500 /- to defendant .

Let the ex-parte order standing against the plaintiff passed vide order no. 14 dt. 03.07.2023 stands vacated and WS filed by him against the counterclaim is deemed to have been accepted on payment of cost of Rs 500/- by the plaintiff id exparte.

Both parties are directed to come ready for injunction hearing

Inform accordingly

To 31.07.2024 for injunction hearing , payment of cost of Rs 500 /- by plaintiff to the defendants.

D/C. by me,

Sd/-

CIVIL JUDGE , SENIOR DIVISION
SERAMPORE

Sd/-

CIVIL JUDGE , SENIOR DIVISION
SERAMPORE