

T.S. - 607 of 2022

Order No.04 Dated 21/03/2023

Today is fixed for filing written statement by the defendant No. 1 to 3, 5 and 6 and awaiting S/R of defendant No. 4 and further order.

Plaintiff is present by filing hazirah.

Defendant No. 1, 2 and 3, 5 and 6 files separate hazirah along with petition praying for time to file written statement.

It appears from the record that defendant No. 1 has appeared on 06.01.2023, defendant No. 2 and 3 have appeared on 07.01.2023 and defendant No. 5 and 6 also have appeared on 07.01.2023 and thereby their statutory period for filing written statement has not yet been expired.

Hence, the time prayer filed by defendant No. 1 to 3, 5 and 6 is considered and allowed and they are further granted permission to file their written statement by next date or within the statutory period of 120 days from their appearance, whichever is earlier.

S/R is returned in respect of defendant No. 4 as 'Duly served' inspite of that none appeared for said defendant. None move on behalf of him on repeated calls.

Hence, the suit will be proceeded exparte against the defendant No. 4.

At this stage learned Advocate for the defendant submitted that as per the information he received from his client, the plaintiff No. 2 namely Sk. Mahammad Ali. Has no trace in the locality since the year 1995 and it is apprehended by the defendant that the plaintiff No. 1 has filed this suit by impersonating plaintiff No. 2 and illegally putting an L.T.I in the plaint as the L.T.I of plaintiff No. 2 and accordingly for ends of justice plaintiff No. 2 may be directed to remain personally present on next date.

Considered.

Considering the submission of learned Advocate for the defendant, I am inclined to directed to both the plaintiffs to remain personally present on next date with their respective photo identity card like Aadhar card, Voter identity card etc.

Accordingly fixed 08.05.2023 for filing written statement by the defendant No. 1 to 3, 5 and 6 and personal appearance of both the plaintiffs with their respective Aadhaar Card and Voter identity card and further order._

Sd/- Gourab Ghosh (WB01100)
Civil Judge (Sr. Division)
2nd Court, Paschim Medinipur (H.Q.)