

**Misc. Appeal No. 27 of 2023**

**Order No. 22 dated 12-08-2025**

Appellants file hajira. A fresh Vakalatnama is filed on behalf of the respondents. Let the same be kept with the record. Respondents file written objection against the appellants' application for stay dated 03.06.2023. The respondents further file an application u/s 151 of CPC, praying for vacating the order fixing the appeal for ex parte hearing on the ground stated therein. The respondents also file a petition for taking of the instant application from the Ex parte Board, which is taken up for hearing.

Heard both sides. Perused the petition. Considered. Prayer is allowed. The appeal is removed from Ex parte Board for hearing of application u/s 151 of CPC filed by the respondent.

Now, the application u/s 151 of CPC is taken up for hearing.

Heard both sides. Perused the petition. Considered.

It appears from the instant application that the Tadbirkar of the respondents' side became ill and certain miscommunication and communication gap occurred between the respondents and their Ld. Advocate and accordingly, proper instruction could not be given and the appeal is fixed for ex parte hearing.

Ld. Lawyer for the appellants prays for cost.

It appears from the application that the respondents deserve an opportunity of being heard. However, the appellants are entitled to cost.

Hence, the instant application u/s 151 of CPC is hereby allowed on contest with cost of Rs. 1,000/- C.P.

To 25.09.2025 for payment of cost by the respondents and further order.

Dictated & Corrected by me.

Additional District Judge, 3rd Court,  
Burdwan

Additional District Judge, 3rd Court,  
Burdwan