

Misc. Appeal No. 28 of 2023

Order No. 24 dated 16-12-2025

Appellants and respondents file their respective hajiras. The respondents' petition for taking of the Appeal from Ex parte Board 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 respondents.

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. In absence of proper instruction from the respondents, the Ld. Advocate could not take proper steps on the date fixed and accordingly, 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 in the instant Appeal, otherwise, the respondents shall be highly prejudiced and shall suffer loss and injury. 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 04.02.2026 for payment of cost by the respondents and further order.

Dictated & Corrected by me.

Additional District Judge, 3rd Court,
Burdwan

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