

Misc. Appeal No. 53 of 2025

Order No. 12

01.08.2026

Today is fixed for hearing of show-cause petition filed by the appellants.

Respondent files hajira. The appellants are absent by petition on the ground that due to illness and being out of station, the Appellant No.1 could not appear before the court.

On perusal of the show-cause application, it is seen that Appellant No. 1 was the Tadbirkar of this Appeal and was not well on 13.02.2026 for which no step was taken and show-cause was issued against the appellants. There is no document in support of the show-cause.

The signatures of Appellant No.1 Asit Kumar Roy, appearing in the show-cause as well as in the fresh Vakalatnama, the memorandum of appeal and affidavit submitted therein, are not tallied with each other. The show-cause application stated to be signed by the Appellant No. 1 is different on face of the record and moreover, the same is not supported by any affidavit. The said appellant No.1 remained absent on the day when the show-cause was filed before the Court as well as this day. Therefore, I am of the view that the said Show cause application is not signed by the Appellant No.1 himself and find no ground to accept the same and also find no ground to adjourn as prayed for by the appellants this day.

In the circumstances, the adjournment petition is rejected as well as the cause shown is also not accepted.

Hence, it is

ORDERED

that the instant Misc. Appeal be and the same is dismissed for non-prosecution. The interim order passed in this Appeal, if any, is hereby vacated.

The impugned order passed by the Ld. Civil Judge (Jr. Divn.), 2nd Court, Burdwan dated 30.07.2025 stands affirmed.

Let the copy of this order be sent to the Ld. Civil Judge (Jr. Divn.), 2nd Court, Burdwan for information.

Dictated & Corrected by me.

Additional District Judge, 3rd Court,
Burdwan

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