

**Misc. 59 of 128 of 2023 (Rg. No. 120 of 2023)**

Present : Sri C. Pramanik, J. M. 2<sup>nd</sup> Court, Bishnupur, ( J.O. Code WB01207)

**Order dated 15-02-2025**

Today is fixed for hearing of the petition for vacating ex-parte order and payment of cost of Rs.250/-.

Petitioner filed Ld. Advocate's hazira.

OP files a petition which has been not pressed by the Ld. Advocate for the OP.

Hence, the petition is hereby rejected being not pressed.

Now the record is taken up for hearing of petition for vacating the ex-parte order.

Ld. Advocates for the both sides are present.

Ld. Advocate for the OP submits that due to miscommunication between the Ld. Advocate with the OP, the OP could not take steps and for that reason the case was fixed for ex- parte hearing. Now the OP is willing to contest the case. OP has also filed a show cause petition and the mistake was unintentional on the part of the OP. Ld. Advocate, therefore, prays for vacating the ex- parte order.

Ld. Advocate for the petitioner in his good gesture prays to allow the petition but with cost.

Perused the petition for vacating ex-parte order as well as show cause filed by the OP.

Considered.

It is always expected that both parties of the case should contest the case and case is required to be disposed of in contested manner.

Considering the submission of both sides and the conduct of the OP in regard to this case the present petition for vacating the ex-parte order is allowed but with cost of Rs.1,000/-.

As such order of ex-parte is hereby vacated with precondition that OP should pay cost of Rs.1,000/- to the petitioner.

Fixed **08-05-2025** for evidence.

D & C by

Judicial Magistrate, 2<sup>nd</sup> Court,  
Bishnupur.

Judicial Magistrate, 2<sup>nd</sup> Court,  
Bishnupur.