

Title Suit No. 01 of 2023

CIS No. 01 of 2023

CNR No. WBBK07-000001-2023

Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 15

Dated 06-01-2025

Today is fixed for hearing *ex parte* vacating petition and W.O.

Memorandum of appearance filed by the plaintiff and defendants.

On careful scrutiny of the case it appears that defendant filed application under Order 39 Rule 4 of the CPC with a prayer for vacating the *ex parte* ad interim order, but erstwhile Ld. P.O. of this Court mentioned the application as *ex parte* vacating petition.

Considering such above noted circumstances, I have not other alternative but to recall the order in accordance with the provision laid down under Section 151 of the CPC.

Thus the previous order for hearing the *ex parte* vacating petition is recalled.

Be it necessary to mention here that the W.O. against the application filed under Order 39 Rule 4 of the CPC was already filed.

Copy was also served to the Ld. Counsel for defendants.

It is also pertinent to mention here that the W.S. filed by the defendants filed on 05-09-2023 and the same has not been accepted yet.

Though the W.S. has not been filed within the stipulated period of time, but considering the rule of natural justice, especially when the defendants are trying to contest this suit, I find that chance can be given to the defendants.

Accordingly, the W.S. filed by the defendants is accepted, but subject to the payment of cost of Rs.500/- to be paid to the plaintiff on the next date.

To **12-02-2025** for temporary injunction hearing and hearing of application filed under Order 39 Rule 4 of the CPC.

The ad interim order of injunction is hereby extended upto next date on the basis of application filed by the plaintiff.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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