

Title Suit No. 08 of 2015

CIS No. 15 of 2015

CNR No. WBBK07-00012-2015

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

Order no. 97

Dated 24-12-2024

Today is fixed for D.W.

Memorandum of appearance filed by the plaintiff and defendant no.1.

Ld. Counsel on behalf of defendant no.1 filed one application with a prayer for time for D.W.

The prayer is considered and allowed.

On careful scrutiny of the case record it appears that direction was given to file reply to show-cause to defendant no.10 vide order no.9 dated 18-01-2016, but thereafter defendant no.10 neither appear nor file any reply to the show-cause. Even no specific order passed against defendant no.10 since then.

Considering the said circumstances I have not impediment to fix the instant suit as *ex parte* against defendant no.10.

It appears from the SR that defendant no.12 refused to accept the summons.

Accordingly the suit shall also be proceeded as *ex parte* against defendant no.12 because it is a well-settled principle that refusal is a good kind of acceptance.

However, the record does not reveals any whisper pertaining to the service upon defendant no.11.

Thus the instant suit is shifted from P.H. board and plaintiff is directed to file fresh requisites in the respect of defendant no.11 in the meantime.

Fix **22-01-2025** for SR in and AD in respect of defendant no.11 and for necessary order.

Update CIS accordingly.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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