

Title Suit No. 34 of 2022

CIS No. 34 of 2022

CNR No. WBBK07-000139-2022

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

Order no. 12

Dated 22-11-2024

Today is fixed for hearing of petition filed by defendant no. 1 to 6 under Order 14 Rule 2 of the CPC along with another application filed by plaintiff under Order 6 Rule 17 of the CPC as well as hearing for temporary injunction application.

Memorandum of appearance filed by the plaintiff and defendant no. 1 to 6, 14 & 15.

Ld. Counsel on behalf of the plaintiff filed W.O. against the application filed under Order 14 Rule 2 of the CPC and the same is kept with the record.

On careful scrutiny of the case record it appears that SR in respect of defendant no.18 has not been received yet.

Accordingly, plaintiff is directed to take appropriate steps in respect of defendant no.18 in the meantime.

Today defendant no.7 to 9, 11 and 13 take no step.

None appears on behalf of them inspite of repeated calls.

Accordingly, show-cause by defendant no.7 to 9, 11 and 13 as to why the instant case shall not be proceeded as *ex parte* against them.

Today defendant no. 14 and 15 appeared.

Ld. Counsel on behalf of defendant no. 14 & 15 filed fresh *vakalatnama* and the same is also kept with the record.

Ld. Counsel on behalf of defendant no. 14 & 15 filed W.O. against temporary injunction application as well as W.S.

One petition under Section 151 of the CPC is filed on behalf of defendant no.14 & 15 with a prayer to accept the W.S. because it is not filed within stipulated period of time.

The copy of W.O. & W.S. are served to the Ld. Counsel for the plaintiff and he received those copies by putting his endorsement.

Heard both sides at length.

Though the W.S. is not filed within stipulated period of time as prescribed under Order 8 Rule 1 of the CPC, but considering the rule of natural justice, I find that one chance can be given to defendant no. 14 & 15 for proper adjudication of justice.

Hence, it is,

Ordered,

that the application filed under Section 151 of the CPC by the defendant no.14 & 15 is allowed on contest, but with a cost of Rs.500/- to be paid to the plaintiff.

Thus W.S. filed by defendant no. 14 & 15 is accepted.

Be it necessary to mention here that when one application under Order 14 Rule 2 of CPC is pending, I have no impediment to frame one preliminary issue pertaining to this suit for maintainability point.

Accordingly, preliminary issue is framed on a separate sheet and the same is kept with the record.

Fix **13-12-2024** for payment of cost, show-cause by defendant no.7 to 9, 11 and 13, SR in respect of defendant no.18 and hearing on preliminarily issues.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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