

Money Suit No. 23 of 2022

CIS No. 23 of 2022

CNR No. WBBK07-000322-2022

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

Order no. 13

Dated 26-06-2025

Today is fixed for show-cause by the defendant no.1, i.d., ex parte hearing.

Memorandum of appearance filed by plaintiffs and defendant no.1.

Defendant no.1 filed W.S. along with application under Section 151 of the CPC with a prayer to accept the W.S. Reply to show-cause was also filed by defendant no.1.

The copy of W.S. was served to the Ld. Counsel for the plaintiffs and he received the same by putting his endorsement.

Heard both sides at length.

On careful scrutiny of the case record it appears that defendant no.1 appeared in this suit on 25-11-2022, but did not file any W.S. prior to this day. So, it is very clear to this Court that defendant no.1 failed to file W.S. within stipulated period of time as prescribed under Order 8 Rule 1 of the CPC. Accordingly on earlier occasion direction was given to the defendant no.1 to file show-cause as to why the instant suit shall not be proceeded as ex parte.

Perused the reply to show-cause and I found it is quite satisfactory.

However, considering the rule of natural justice and considering reply to show-cause, I find that chance can be given to the defendant no.1 especially when the defendant no.1 is trying to contest the suit by filing W.S.

Accordingly, the application filed under Section 151 of the CPC is hereby allowed on contest, but subject to payment of cost of Rs.1,000/- to be paid to the plaintiffs.

Thus, W.S is accepted subject to the payment of cost as condition precedent.

Fix **05-08-2025** for payment of cost and acceptance of W.S. as well as framing of issues.

Suggestive issues, if any, in the meantime.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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