

**Other Suit No. 2 of 2024**

CNR No. - WBCB-01-001504-2024

**Present : Smt. S. Nandy Chakrabarti,  
District Judge, Cooch Behar (WB00584)**

**Order No.7, dtd. 23.06.2025**

Today is the date fixed for passing order.

The case record is taken up for passing order.

The defendant Nos.1 and 2 by filing a petition praying for vacating ex parte order stated that on 09/08/2024 the date was fixed for appearance but on that date, the Bar Association observed the condolence of former Chief Minister of West Bengal Late Bhuddhadeb Bhattacharjee and as such, no work was done by the Advocates of Cooch Behar Bar Association and accordingly, the defendant Nos.1 and 2 could not appear on the above date by filing Vokalatnama. Subsequently, in the E-Court Service, the next date of the case was shown as 13<sup>th</sup> February 2025 but suddenly the defendant Nos. 1 and 2 discovered that the date was fixed on 13/12/2024 and on that date, due to non-appearance of the defendants, the case was fixed ex parte against them. It is stated that due to misposting of the next date in E-Court Service Portal, the defendant Nos. 1 and 2 were sufficiently prevented from appearing on 13/12/2024 which is unintentional and they want to contest the suit filing written Statement as they have serious objection regarding the contention of the plaintiff. In support of their submission, they submitted documents. As such, they pray for vacating the ex parte order dated 13/12/2024 against them.

By filing written objection, Ld. Advocate for the plaintiff submitted that the petition is not at all maintainable in law as well as in its present form and manner and the defendant Nos. 1 and 2 have no right or locus standi to file the petition and without filing the written statement or objection along with the petition, the same is not maintainable. As such, he prays for rejection of the petition.

Heard both sides. Considered.

It appears from the documents filed by the defendant Nos. 1 and 2 that the next date of the case was fixed on 13/02/2025 and as such, they could not appear before this Court and the case was fixed ex parte against them. So, they were prevented from appearing in the Court due to a valid and sufficient reason. They also want to contest the case. In view of the above, I am inclined to allow the petition for vacating ex parte order.

Let the order of ex parte hearing against the defendant Nos.1 and is vacated.

The defendant Nos. 1 and 2 are directed to file written statement.

Fix **02/08/2025** for filing written statement by the defendant Nos.1 and 2.

Dictated & corrected,

*Sd/-*

District Judge,  
Cooch-Behar

*Sd/- S.N.Chakrabarti*

District Judge,  
Cooch-Behar