

Title Suit No. 633 of 2019

Present : Jayashree Banerjee, Chief Judge

Order No. 26 dated 25.07.2023:

It appears from the order sheet that on 17.04.2023, the defendant appeared and filed an application for recalling of the order fixing the suit on ex parte board.

Such application was served upon the Ld. counsel for the plaintiff and the Ld. counsel for the plaintiff submitted his written objection to the said application for recalling of the order fixing the suit on ex parte board.

Inadvertently, instead of posting the hearing of the said application for recalling of the order of this Court fixing the suit on ex parte board, the order that has gone in, is fixing hearing of the suit ex parte.

This Court rectifying the said order dated 17.04.2023 allows the petition of the defendant as a last chance to appear and contest the suit and it is made clear a single adjournment sought for from the side of the defendant shall be noted by this Court to pass adverse order against the defendant.

Be that as it may, today the matter is fixed for ex parte hearing, the Ld. Counsel for the plaintiff is ready with his witness. Affidavit-in-chief has been filed. Since the matter is taken out from ex parte board, Ld. Counsel for the defendant is at liberty to go through the affidavit-in-chief submitted in the Court to start his cross examination for the day and before the next date, Ld. Counsel for the plaintiff is directed to serve a copy of affidavit-in-chief to the Ld. Counsel appearing for the defendant.

It is worth noting here that the defendant till date has not submitted their written statement. Such opportunity will not be granted to the defendant by this Court further. However, liberty is given to the Ld. Counsel appearing for the defendant to cross examine the witness of the plaintiff Prem Prakash Jain, present today in the Court deposing as PW-1.

The affidavit of PW-1 is hereby tendered and accepted by the Court.

PW-1 Prem Prakash Jain is examined in full. Documents are filed marked as Exhibit 1 to 11. PW-1 also cross examined in part and the evidence is deferred on the prayer of the Ld. Counsel for the defendant.

Fix 21.08.2023 for further cross examination of PW-1.

Dictated & corrected by me

Chief Judge

Chief Judge
City Civil Court, Calcutta.