

T.S. – 1021/12 CNR – WBCC0102721-2012

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 116

03.8.24

Today is fixed for hearing of the application u/s 151 CPC filed by the plaintiff on 11.7.24.

Both the parties file haziras.

Now the said application is taken up for consideration. Heard the Ld. Advocates for both the sides.

Perused the said application, whereby the plaintiff has prayed for passing necessary order to recall the order dtd 29.4.24 upon condoning the unintentional laches on the part of the plaintiff in not taking any step on that date for which the further cross examination of DW 1 was closed.

The Ld Advocate for the defendant does not raise any objection against the said prayer but candidly submits that to cut the matter short and to expedite the trial of the suit the said prayer of the plaintiff may be allowed.

Upon considering the respective submissions and regard being had to the fact that the plaintiff is all along quite particular in taking step regularly on all other occasion in this suit, I feel that the laches on the part of the plaintiff in not taking any step on 29.4.24 should be condoned for the interest of justice and to provide her with an opportunity to complete the cross examination of DW 1.

Considered as above, the application of the plaintiff u/s 151 CPC dtd 11.7.24 stands allowed and the order dtd 29.4.24 whereby the further cross examination of DW 1 was closed is hereby recalled.

Now the DW 1 is further cross examined by the plaintiff in part and his further cross examination is deferred on the prayer of the plaintiff fixing 12.8.24 for further cross examination of DW 1 as well as for adducing evidence of other DWs if any.

D/C by me

Judge

Judge 2<sup>nd</sup> Bench

Misc case – 18/18 CNR – WBCC01000079-2018

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 117

03.8.24

Today is fixed for SR ad AD upon the OPs.

Petitioner files hazira.

No SR or AD has been received after service.

It appears from the record that despite lapse of considerable period of time no SR or AD upon the OPs has been received after service.

In view of the above position, the petitioner is directed to take fresh steps upon the OPs at once to cause service of notice of the instant Misc case fixing 12.8.24 for SR and AD.

D/C by me

Judge

Judge 2<sup>nd</sup> Bench