

T.S. 628/24 CNR – WBCC0103217-2024

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

Order 04

18.9.24

Today is fixed for exparte hearing of this suit.

Plaintiff files hazira along with her affidavit in chief. At this stage a hazira is filed on behalf of the defendant along with a petition and vokalatnama praying for recalling / setting aside the order dtd 22.8.24.

Heard the Ld. Advocates for both the sides in respect of the petition filed on behalf of the defendant.

Perused the said petition, whereby the defendant has attributed the cause of his non-appearance in this suit on 22.8.24 on the ground that though he had engaged his Ld. Advocate to take steps on that date but his said Ld. Advocate could not take necessary steps on the date fixed due to his personal reasons.

Upon considering the submission of both the sides and regard being had to the fact that the non-appearance of the defendant on the date fixed was not due to any fault or laches on his part, I am inclined to allow the prayer made in the said application however subject to compensating the plaintiff adequately in that respect.

Hence it is

Ordered

that the petition filed by the defendant this day is hereby allowed and as a result the order dtd 22.8.24 so far as it relates to directing the suit to proceed exparte against the defendant stands vacated subject to payment of cost of Rs. 1000/- to the plaintiff by 18.11.24.

To date for filing WS by the defendant.

D/C by me

Judge

Judge 2nd Bench