

Title Suit 1413 of 2011
Present: Subhrajit Basu, Bench-IV
JO Code: WB 01238

Order No. 79
Date: 24.06.2024

The matter is fixed today for hearing of petition filed by the defendant under section 151 CPC dtd. 11.07.2022.

Ld. Advocates for the plaintiff and the defendant are present.

The application u/s 151 CPC dtd. 11.07.2022 filed by the defendant is taken up for hearing.

By this application, the defendant has prayed for recalling the order dtd. 19.08.2019 passed by this Court fixing the matter for ex-parte hearing and to permit the defendant to participate in the instant suit.

In the application, the defendant has stated that it was unaware of the orders passed by this Court asking it to show cause for its non-appearance on repeated occasions. The defendant stated that its the then Ld. Advocate did not communicate the orders to the defendant and the Ld. Advocate also remained absent on 19.08.2019 whereupon this Court fixed the suit for ex-parte hearing.

The defendant has filed written objection against the application dtd. 11.07.2022 whereby the plaintiff has denied and disputed the statements made in the application and prayed for its dismissal with cost.

The defendant has already filed its written statement and issues have also been framed.

Considering the facts and circumstances of the case, this Court is of the view that one last opportunity should be afforded to the defendant to contest the case.

Accordingly, the application of the defendant dtd. 11.07.2022 is allowed subject to payment of cost of Rs. 500/- by the defendant to the plaintiff by the next date.

The instant suit be taken out of ex-parte board and fixed on 08.08.2024 for evidence .

D/C by me

Judge, Bench-IV
City Civil Court, Calcutta

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