

**Title Suit 928 of 2018**

**Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)**

**Order No. 46/ Dated 25.06.2025**

Parties have taken their respective steps.

Date is fixed for hearing of the petition dated 16.08.2025.

Heard both sides on the petition.

Seen the record.

This petition is filed by the defendant with a prayer to vacate the Order dated 15.05.2023 fixing the suit for ex-parte hearing.

On perusal of the record it appears that the conduct of the defendant is not at all diligent in pursuing the proceedings and the written statement was also filed after the expiry of the statutory period.

However having regard to the circumstances, the prayer is allowed thus the plaintiff is entitled to compensatory cost.

Hence, the Order dated 15.05.2023 fixing the suit for ex-parte hearing stands recalled subject to the payment of cost of Rs.5000/-.

Fix 01.08.2025 for cross-examination of the P.W.1 by the defendant and for payment of cost.

D/c by me,

Judge.

Judge, Bench-V,  
City Civil Court, Calcutta.