

T.S. - 1659/19 (CNR:WBCC01-006013-2019)

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

Order 23

04.07.23

Both parties file hazira. The defendant files two separate applications u/s 151 CPC – one praying for vacating the order for exparte hearing of the injunction application and the other for recalling order dated 05.04.23. Copies have been served, objection has been raised.

It appears from the record that on 05.04.23 the defendant was absent without taking any step. He did not also show any cause interms of order dated 22.2023. As a result it was ordered that the suit would be heard exparte against the defendant.

Upon considering the submission made on behalf of both the sides and considering the requirement of providing opportunity to both the sides for placing their respective stands so that the injunction application and the instant suit may be disposed of on merit, I feel that both the applications of the defendant filed this day are required to be allowed.

Hence, it is

Ordered

that both the applications of the defendant filed this day u/s 151 CPC are hereby allowed. The Order no 22 dated 05.04.23, so far as it relates to issuance of direction of hearing of this case exparte against the defendant is hereby recalled.

Fix 04.09.23 for hearing of the injunction application as well for acceptance of W/S.

D/ C by me

Judge 2<sup>nd</sup> Bench

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