

Misc Appeal 51 of 2019
CNR No. WBCC01-006538-2019

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

Order No. 36/ Dated 02.12.2024

Parties have taken their respective steps.

Date is fixed for hearing of the petition dated 17.05.2024.

appellant filed an application praying for time.

On perusal of the petition dated 17.05.2024, it appears that appellant has prayed for time for two months in view of the direction passed by the Hon'ble Supreme Court in Civil appeal no. 2073 of 2024 regarding a fresh show cause notice which was issued by the competent authority after causing detailed survey on the specified land to be vested by the State of West Bengal in presence of Board of Trustees for the Port of Kolkata now Shyama Prasad Mookherjee Port Trust and the schedule premises of the instant appeal is within the periphery and domain of the said show cause notice dated 02.04.2024.

Since two months time has already been granted from the date of this petition, the instant petition becomes infructuous and it is disposed of accordingly.

Having regards to the ground of prayer for time, the prayer is allowed and the hearing of the appeal is adjourned to the next date fixed.

Fix 10.01.2025 for hearing of the appeal.

D/c by me,

Judge.

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

Misc Appeal 51 of 2019
CNR No. WBCC01-006538-2019

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

Order No. 40/ Dated 24.02.2025

Parties have taken their respective steps.

Date is fixed for hearing of the appeal.

Appellant has filed one application under Section 151 of C.P.C with the prayer for permission to withdraw the application under Order 41 Rule 27 read with Section 151 of C.P.C filed on 18.01.2024 with a liberty to file a fresh application under the same provision on the premises that there is a change of circumstances in this appeal and some new facts has been emerged and unless the said facts are brought on record, it may effect the appeal adversely.

Heard both sides on the petition.

Seen the record.

Having regards to the materials placed on record, prayer is allowed and the leave is granted to the appellant to “not pressed” the earlier application under Order 41 Rule 27 read with Section 151 of C.P.C dated 18.01.2024 with a liberty to file a fresh application under Order 41 Rule 27 read with Section 151 of C.P.C.

It is made clear that appellant is to file such application positively on the next date fixed after serving copy of the application on the other side at least seven days prior to the date fixed and the respondent is directed to file written objection, if any, by the date fixed.

Fix 17.03.2025 for hearing of the appeal.

D/c by me,

Judge.

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