

In the Court of Civil Judge (Jr. Divn.) Gangarampur at Buniadpur

Present: Shri Shahid Parvez

Civil Judge (Jr. Divn.)

J.O. Code: WB1233

O.C. 14 of 2019 Regd. No. 14 of 2019

CNR No. WBDD07-000028-2019

Order No. 10

Date: 11-02-2022

Today is fixed for S.R and A.D upon the defendant No.2 and acceptance of the W.S on behalf of the State defendant Nos. 4 – 5.

Plaintiff is present by filing hazira. State defendant Nos . 4-5 also files hazira. Defendant Nos. 1-3 files hazira.

Ld. Adv. of parties are present. It appears from record that the summon of defendant No. 2 is not served till date. Accordingly, plaintiff is directed to take steps on defendant No. 2 on both ways (i.e through Court and postal).

It appears from record that the State defendant Nos. 4 and 5 filed the W.S on 21-01-2021 and also filed the two petitions on the same date, one for vacating the ex-parte Order and another for show cause to accept the W.S. The petitions were filed with vokalatnama.

After consideration, the cause shown is satisfactorily and hence the ex-parte Order is vacated and W.S is accepted on behalf of defendant Nos. 4 and 5.

None appears today on behalf of defendant Nos. 1 and 3 and record reflects that the suit is running ex-parte against them, hence the hazira by defendant Nos. 1 and 3 is misconceived.

If further appears from record that another petition filed by defendant Nos. 4 and 5 on 05-02-2020 is pending which is taken up for hearing. None moved the said petition. Since the defendant Nos. 4 and 5 have already filed the W.S which is accepted so, the petition dated 05-02-2020 u/O 11 Rule 12 has no bearing and the defendant Nos. 4 and 5 will get the opportunity at the appropriate stage of trial to prove their case through cogent evidence. Hence, the petition u/O 11 Rule 12 is considered and rejected without cost.

Fix 27-04-2022 for step upon defendant No. 2 by plaintiff without fail, ex-parte against defendant Nos. 1 & 3 and issue.

D/C by me

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