

Order No 48 dated 23.04.2024.

Today is fixed for payment of deficit court fees and hearing of the show cause.

One rough paper purporting to be hazira for the plaintiff has been filed which bears the date: 09/10/2023, and which is full of corrections and modifications made by whitener.

This cannot be counted as hazira or anything else but a rough piece of paper.

After repeated calls Ld. Advocate for the plaintiff appeared and sought permission to file proper hazira.

Deficit court fees not filed.

After permission aforesaid, Ld. Counsel for the plaintiff filed one proper hazira and a time prayer.

The show cause now taken up for hearing.

Hd. Considered.

Perused the record.

The order dated 19/03/2024 reflects that no steps had been taken on 19/03/2024, and despite repeated calls none appeared for the plaintiff, and therefore, he was directed to show cause.

After passing this order the Ld. Counsel for the plaintiff had filed the show cause which is being heard today.

Despite the aforesaid order, it is pleaded in the show cause that the plaintiff was little bit late in taking steps – which is nothing but lie. In fact no steps was taken and none had appeared on that day for which the show cause order was passed. Aside from this, no reason has been assigned in the show cause as to why the steps has not been taken on that day and why despite repeated calls none had appeared for the plaintiff on that day.

So, the show cause is not sufficient but based on lies. Therefore, the show cause is rejected with a cost @ Rs. 1000/- u/s 35A & 35B CPC payable to SDLC.

The plaintiff is directed to file proper show cause by the next date assigning the reasons of not taking steps on 19/03/2024 and not appearing on that day despite repeated calls I/D dismissal order under order 9 CPC.

Fix 31.05.2024 for filing show cause by the plaintiff and D.C.F.

D/c by Me.

CJJD
Kurseong.

Civil Judge (Jr Div)
Kurseong.