

Order No 56 dated 23.04.2024.

Today is fixed for payment of deficit court fees and additional W/S.

The defendant filed a time prayer for time to file additional W/S.

One undated rough paper purporting to be a petition for the plaintiff has been filed which carries no court fees, and which is full of corrections and modifications made by whitener.

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

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

Deficit court fees not filed.

After permission aforesaid, Ld. Counsel for the plaintiff filed one time prayer.

Perused the record.

The record reflects that the plaintiff, on 29/09/2023 - on account of amendment - was directed to pay the deficit court fees for by that amendment suit valuation was changed.

After that order six dates and seven months have passed, still, the plaintiff is yet to file the deficit court fees; and on every single date time petitions are being filed for D.C.F. This is nothing but a delaying trick, and due to this kind of avoidance to pay D.C.F., to my mind, not merely does attract order 7 rule 11 CPC and section 10(3) W.B.C.F. Act but also does attract order 6 rule 18 CPC.

Today also the plaintiff did not pay the deficit court fees but casually and reluctantly he first filed the aforesaid rough paper without affixing any court fees taking the judicial proceedings for granted, and when the court noticed this kind of conduct and attitude of the plaintiff, he thereafter filed time petition in proper way.

In such situation, it is clear that the plaintiff is not diligently prosecuting this case but taking the judicial proceedings for granted, is killing time to cause delay. So, the time prayer is rejected with a cost u/s 35B CPC @ Rs. 1000/- payable to SDLC, and he is directed to show cause as to why the case shall not be dismissed u/s 10(3) W.B.C.F. Act r/w order 7 rule 11 CPC.

Fix 31.05.2024 for filing show cause by the plaintiff and D.C.F. I/D dismissal u/s 10(3) W.B.C.F. Act r/w order 7 rule 11 CPC.

D/c by Me.

CJJD
Kurseong.

Civil Judge (Jr Div)
Kurseong.