

IN THE COURT OF THE CIVIL JUDGE (JR. DIVN), KALIMPONG

Present : Smt. Diti Bhattacharjee (JO CODE WB01365)

OC 13 of 2021 (CIS 10 of 2021)

CNR WBDJ08000370-2021

Order No. 49

Dated 05.06.2026

Today is fixed for DW positively i/d closed.

Plaintiff has filed hazira.

Initially, the defendant filed hazira through Ld. Advocate. Thereafter, one time petition filed by the defendant on the ground of Ld. Advocate's of both parties.

On call, Ld. Advocate for the defendant submitted that the both parties filed a joint time petition on Advocate's ground.

On the other hand, Ld. Advocate for the plaintiff submitted that the plaintiff has not filed any time petition rather the plaintiff is present and filed hazira.

Thereafter, Ld. Advocate for the defendant submitted before this Court that the defendant wants to 'not press' the time petition and file a separate petition instead.

The time petition being 'not pressed' is rejected in limini.

The Ld. Advocate for the defendant has again filed time petition on the ground that the defendant is out of station due to his medical condition and thus, praying for time.

The prayer is not supported by any medical document, rather there is statement in the petition that the defendant will file a medical certificate on the next date.

The ground mentioned in the time petition is not at all satisfactory as there was repeated direction of this Court since 09.02.2026 vide order no. 45 for adducing DW positively in default the Court will not allow any further time even on Advocate's personal ground, but it appears before this Court that neither the defendant nor his appointed Advocate are any paying any heed to the order of this Court passed on 09.02.2026, 12.02.2026, 23.03.2026 and 25.05.2026.

Considering the conduct of the defendant, it appears before this Court that the defendant is not at all interested to adduce witness and also the Court cannot be the machinery of granting time repeatedly for prolong time delaying the final disposal of the suit.

Hence, the time petition filed by the defendant is considered and rejected.

DW is thus closed.

To **20.06.2026** for argument by the plaintiff.

D/C by me

**Sd/-
Civil Judge (Jr. Divn), Kalimpong**

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