

Title (Partition) 01/2024 (CIS 01/2024)

(WB 00934)

Order No. 05 dated 29.05.2024.

Plaintiffs file hazira. Plaintiffs file postal receipt and track report through firisti. Defendants 1 & 3 file a petition seeking time to file written statement. Copy served. Proforma defendant no. 2 also files hazira. This day is fixed for S/R and filing of w/s by defendants 1 & 3.

At this stage, Ld. Advocate for the plaintiffs in his fairness submits that defendants 1 and 3 did not receive summons on 28.12.2023 and 18.12.2023 but they received notice of partition on those dates.

On the careful perusal of the record, it is indeed found that defendants 1 and 3 received notice of partition on 28.12.2023 and 18.12.2023 and not the summons of the suit. It appears that both the defendants 1 & 3 received summons only on 15.03.2024.

Therefore, the order dated 13.05.2024 as to the direction upon defendants 1 and 3 to file written statement by the date fixed (i.e. by today) stands recalled.

Defendants 1 & 3 are directed to file written statement by the date fixed.

It appears further that proforma defendant no. 1 received summons on 12.03.2024. Similarly, the summons was served upon defendant no. 2 on 28.05.2024. Defendant no. 2 and proforma defendant no. 1 do not appear even after receipt of summons.

The suit will therefore, proceed ex parte against defendant no. 2 and proforma defendant no. 1.

To 01.07.2024 for filing of W/S by defendants 1 & 3 and further order.

D/c by me,

Sd/-

C.J. (Sr. Div.), Kalimpong.

Sd/-

*Civil Judge (Sr. Div.),
Kalimpong.*