

Mat Suit 22/2018

(CNR No.000068-2018)

Order no.62 dated 11.03.2022

Today is fixed for further evidence and payment. The petitioner files hajira. One witness from the side of the petitioner named Siddhartha Sakha Maity is present before the court. His vaccination certificate has been filed. The respondent files hajira and also a petition whereby she has prayed for staying the proceedings of the Mat Suit until payment of the litigation cost as ordered by this court in J. Misc. Case 11/2018.

The Ld. Counsel on either side is present. The Ld. Counsel on behalf of the petitioner submitted that the petitioner has already preferred a challenge of the order of the J. Misc. Case before the Hon'ble High Court and the case has not yet been disposed of by the Hon'ble Court, so it is prayed that an adjournment for payment may be made.

Heard both sides. The petitioner has exercised his right in approaching the Hon'ble High Court but there is no stay of the order challenged against. So the payment can be made by the petitioner without any hitch but since the matter is pending before the Hon'ble Court, the petitioner is given time till the next date to make the payment. This allowance of time shall however not operate as stay, specifically under section 10 of the C.P.Code, of the proceedings of this Mat Suit. The provision of Section 10 shall not be applicable herein in any manner and there is no impediment in proceeding with this suit, rather, it should be in the interest of the respondent in proceeding with this suit without delay. Hence the petition filed by the respondent is considered and rejected.

The record is taken up for further evidence. The witness Siddhartha Sakha Maity is examination-in-chief as PW-2 on the strength of the affidavit filed by him under Order 18 Rule 4 of the C.P.Code, cross-examined in part and deferred on the prayer of the respondent.

To **27.04.2022** for further cross-examination of the PW-2.

Dic. & Corr. by me.

Addl. District Judge,
2nd Court, Contai

Addl. District Judge,
2nd Court, Contai.

