

Order No. 07 dated 17.4.25

Today is fixed for showing cause by the petitioner.

Both sides have filed hazira today.

Show cause reply is filed by the petitioner on this day. Let it be kept with the record.

On scanning of the present record, it appears that the petitioner was similarly show caused once earlier too by this court as to why the instant matter be not dismissed, and the petitioner had filed his show cause reply which was accepted after which he has been show caused again on 14.11.24. As such, **the show cause reply filed by the petitioner today is accepted but with payment of costs of Rs. 1000/- which shall be deposited before the DLSA Serampore** on or before the next date and receipt filed in this record. If the receipt of costs is not deposited by the petitioner on the next date, the instant suit would be dismissed for default.

Today, Respondent has also filed his written statement in this case along with a delay condoning petition, copy of which is served upon the petitioner.

The said petition is now taken up for hearing.

Ld Advocate for the respondent while moving the said petition submitted that the respondent could not file the written statement within time as he was out of station and thus could not communicate with his ld Advocate for filing of the same. He prayed for condoning the said delay and acceptance of the said w.s.

Ld Advocate for the petitioner raised objection against the said prayer.

Heard both the sides. Perused the petition and record. Considered.

It is admitted by both the parties that the summons of this case was served upon the respondent about 220 days ago. However, the respondent has submitted that he could not file his w.s. earlier in this case within time as he was out of station which reason though not tenable, can be condoned especially when the respondent has prayed for giving him an opportunity to contest this case. Such be the case, this court is inclined to accept the w.s. of the respondent **but with costs of Rs. 1000/- (one thousand) which must be paid by the respondent to DLSA Serampore** and receipt should be filed within the next date. If the respondent does not file the receipt of the said costs on or within the next date, the instant matter would be heard ex parte against the respondent.

To 15.7.2025 for filing receipt of costs and further order.

Dict. & corr. By me.

Sd/-

Addl. District Judge, 2nd Court,
Serampore, Hooghly.

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