

Present: Smt. Ratna Roy (J.O. Code - WB00914)
Additional District Judge, 1st Court, Serampore, Hooghly
Misc Appeal No. 76 of 2024
(C.N.R. No:- WBHG05-001960-2024)

Order No. 19 dated 24.04.2026

The record is put up by petition, filed on behalf of the respondents.

Along with the put up petition a petition praying for recalling the order dated 23/04/2026 and another petition for non-maintainability of the Misc Appeal. Copy served on the other side.

Heard. The put up prayer is allowed.

Heard Ld. Advocates of both the sides in respect of the petition praying for recalling the order dated 23/04/2026.

Ld. Advocate for the respondents submitted that on 23/04/2026 date was fixed for hearing of the application under section 151 of C.P.C, filed by the appellants praying for rendering police help for implementation of the order dated 16/07/2025. Already w/o has been prepared against the said application under section 151 of C.P.C but as the Ld. Advocate for the respondents namely, Sri. Amit Bar was busy in election campaign of one of his colleagues, he could not attend the Court and for that reason and adjournment petition was filed from the side of the respondents and moved by his Junior but the said adjournment application was rejected by the Court and the Court was pleased to pass an ex-parte order against the respondents by allowing the application of the appellants. The said order is very much hardship for the respondents.

Ld. Advocate thus prayed for recalling of the said order dated 23/04/2026.

Ld. Advocate for the appellants on the other hand submitted that adjournment on the ground of going for election campaign is not a personal ground. There is already a stay order in respect of the order against which this appeal has been filed. If the order dated 23/04/2026 is recalled it will be a hardship upon the appellants and the very ground of filing of the appeal would be frustrated.

Considered submission of both the sides.

Upon the submission of both the sides and the arguments that took place between the Ld. Advocates before the Court today, I am of the opinion that instead of recalling the order no. 18, dated 23/04/2026, it would be better to stay the order till the next date fixed i.e., 11/05/2026, on which date both the sides will come ready for hearing of the appeal and the maintainability application that has been filed by the respondents today.

No adjournments will be allowed.

The date, 20/05/2026, which is already fixed, is preponed to 11/05/2026.

Dictated & corrected by me.

SD/-
(Ratna Roy)
Additional District Judge,
1st Court, Serampore, Hooghly.

SD/-
(Ratna Roy)
Additional District Judge,
1st Court, Serampore, Hooghly.