

Title Suit No. 315 of 2012
CNR No. WBSP03-005187-2012
Present : Smt. Mallika Biswas, Civil Judge (Junior Division) 2nd Court, Alipore,
South 24-Parganas
(J.O Code :WB-01034)

Order No. 92
Dated : 04.08.2026

Today is fixed for passing order.

Ld. Advocate for the defendant filed an application u/S 151 CPC on 02.09.2025.

Heard both sides on the previous date fixed.

On 23.11.2022, this Court directed the plaintiffs to file a copy of plaint amending the cause title of plaint in accordance with the substitution petition. But on scrutiny of the amended plaint filed by the plaintiffs clearly shows that it is not inconsistent with the direction passed by this Ld. Court. It also appears that the amended copy of plaint filed by the plaintiffs on 29.11.2017 was filed by incorporating the proposed amendment as mentioned in the amendment petition, which is pending for disposal. It shows that the plaintiffs appears in this Court with uncleaned hand and their conduct had been inequitable. Moreover, plaintiffs were given opportunity to rectify their mistakes but they have failed to comply the order of this court. Finally they were show caused as to why the suit could not be dismissed for default for non-compliance. However, the plaintiff did not take any steps to rectify their mistakes. Therefore, on the basis of the above observation, I am of the opinion that the grounds of show cause in the instant petition are not justifiable before this court and cannot be considered. However, the procedure is handmade of justice and should be extended for the ends of justice, the plaintiff should be given one final last opportunity to comply the order no. 36 dt. 25.01.2016.

On 14.01.2025 this Court passed a same order in the following manners:- “The fact remains, when the Court has passed an order directing the plaintiffs to do a particular act and when the said order has not been challenged in accordance with law, then the plaintiffs are obliged and required to act in accordance with the order so passed. As such the petition filed by the plaintiffs to recall all orders passed since 25.01.2016 does not deserve consideration. Moreover, it appears that the plaintiffs complied with the order dated 25.01.2016 and filed substituted amended plaint before filing this instant petition. As such, the petition dt. 22.03.2023 is rendered futile.

Now the record is taken up for consideration as to whether the amended is to be accepted.

The Ld. Advocate for the plaintiff prays for acceptance of the amended substituted plaint. However, at the time of the hearing, the Ld. Advocate for the defendant pointed out some discrepancies in the said amended substituted plaint and prayed for personal attendance of all the plaintiffs in the suit and only thereafter, the said amended substituted plaint be accepted.

Considered.

Considering the above mentioned facts and circumstances, I am of the opinion that **the amended substituted plaint be accepted after attendance of the all the plaintiffs.** ”

In spite of direction by this Court and getting several opportunities the plaintiff failed to comply the Court's order. They filed a revision against this order before Hon'ble High Court on 18.11.2025 as per intimation of the Ld. Counsel of the plaintiff. Since 18.12.2025 till date plaintiff failed to produce any stay order from the Hon'ble High Court, Calcutta. From the conduct of the plaintiff, it presumed that there was no stay order in the Hon'ble High Court but plaintiff neither take proper steps, i.e., to comply the previous order dt. 23.11.2022 and 14.01.2025. Since 23.11.2022 all the plaintiffs are directed to appear before this Court with proper identity. Thereafter, a considerable of four years have been passed, but plaintiffs are less bother to comply the order.

Hence it is,

ORDERED

The suit be and same is **dismissed for non-compliance of the order.**

DA to do needful.

Note in concerned register.

Upload the order in CIS.

D/C by me,

Sd/-

CJ(Jr. Divn.), 2nd Court, Alipore
South 24 Parganas

Sd/-

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