

Title Suit No. 52 of 2020

Order No. 18 dated 17.05.2024

Today is fixed for hearing of the petition filed by the defendant No.1

Plaintiff filed an adjournment petition.

Defendant filed an application for vacating the ex parte order and also show cause along with a acceptance petition. Defendant No.1 also filed W.S.

Ld. Advocate for the defendant No.1 submitted that the defendant was unable to procure the documents necessary for conducting the case. He cannot communicate that the Ld. Advocate. This was the reason for not filing the W.S. by the defendant. Now the defendant No.1 prays for vacating the order of *ex-parte* hearing and be allowed to contest the suit.

Ld. Advocates for the Plaintiff vehemently objected the said prayer and submitted that there is no scope of consideration of the present application.

Heard both sides. Having considered the fact that the defendant No.1 should not be remained unheard on the way of natural justice this Court finds that the present application deserves to be allowed.

On perusal of the record it is seen that the summon remain unserved upon defendant Nos. 2, 4, 5, 8 to 12.

Hence, it is

ORDERED

That the application for vacating the ex-parte Order filed by the defendant No.1 is hereby allowed on contest with a cost of Rs.100/-. W.S. is hereby accepted.

To 09.09.2024 for fresh steps upon defendant Nos. 2, 4, 5, 8 to 12.

Dictated & Corrected by me

CJ

Civil Judge, (Jr. Divn.)
Amta, Howrah