

Title Suit No. 57 of 2024

Order No. 08 dated 27.01.2025

Today is fixed for hearing of ex parte vacating petition.

Plaintiff filed an adjournment petition and petition for extension of ad interim order of injunction.

Defendant No. 1 filed hazira.

Defendant Nos. 2 to 5 filed hazira along with an application for acceptance of WS and also show cause along with a time petition.

Ld. Advocate for the defendant Nos. 2 to 5 submitted that the defendants could not appear on time and failed to file the WS. This was the reason for not filing the W.S. by the defendant. Now the defendant 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 should not be remained unheard on the way of natural justice this Court finds that the present application deserves to be allowed.

Hence, it is

ORDERED

That the application for vacating the ex-parte Order filed by the defendant Nos. 2 to 5 are hereby allowed on contest with a cost of Rs.200/-. W.S. is hereby accepted.

To **06.03.2025** for injunction hearing.

Dictated & Corrected by me

CJ

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