

In the Court of Civil Judge (Jr. Divn.) 1st Court, Baruipur

Present: Debasmita Kundu

Civil Judge (Jr. Divn.)

J.O. Code: WB01404

Mat Suit– 39/2022

CNR number:WBS POE 0009932022

Order No. 08

dated-15.07.2024

Today is fixed for filing of show-cause by the Petitioner, i.d. dismissed.

Petitioner side took no steps today.

None moved for the Petitioner on repeated calls.

Perused the entire case record. On perusal of the case record it appears that vide Order no. 06 dated: 19.01.2024 this Court directed the Petitioner side to show cause as to why the case shall not be dismissed for not taking steps on that date. The Petitioner side did not file any show cause as directed. Again, Petitioner side did not bother to turn up on repeated calls. Moreover, the Petitioner side did not take proper steps since long for proper adjudication of the suit. According to the provisions of C.P.C in case of failure of the Petitioner side to appear on the date of hearing, the suit is liable to be dismissed and there is no provision for show cause. However, show cause is done only to caution the Petitioner side and encourage him to be vigilant. Also, in view of the Hon'ble High Court when a Petitioner side is deliberately and willfully misuse the opportunity, the suit is liable to be dismissed for non-prosecution. Here, the Petitioner side has misused the liberty on several occasions, given by the court and unnecessarily delaying and dragging the proceeding. The conduct of the Petitioner side as reflected from the order sheet, is not worthy enough. Therefore, the Petitioner side cannot be given any further chance, which will be waste of time, energy and judicial hour.

Considering the facts & circumstances of the instant case I am of the opinion that the conduct of the Petitioner side shows that she is no more interested to proceed with the instant case. As such I am inclined to dismiss the instant case for non-prosecution.

Hence, it is,

ORDERED

that the suit be and the same is dismissed for default.

Interlocutory order (if any) stands vacated.

D/A is directed to note it.

D/C by me

Sd/-(D. Kundu)

Civil Judge (Jr. Divn.) 1st Court
Baruipur, South 24-Parganas,
15.07.2024

Sd/-(D. Kundu)

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Baruipur, South 24-Parganas,
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