

In the Court of Civil Judge (Jr. Divn.) 1st Court, Baruipur
Present: Debasmita Kundu
Civil Judge (Jr. Divn.)
J.O. Code: WB01404
T.S. 692/2022
WBSP0E0009642022

Order No. 09,
dated-14.05.2025:

Today is fixed for taking fresh steps by the Plaintiff side.

The plaintiff side is without steps.

None moved for the Plaintiff on repeated calls.

Perused the entire case record. On perusal of the case record it appears that on 31.08.2024 vide order No. 17 the plaintiff side was directed to take fresh steps by this court, but till date the plaintiff side did not comply the order of the Court inspite of availing opportunity. The plaintiff side deliberately avoids the order of the Court.

In view of the Hon'ble High Court when a Plaintiff side is deliberately and willfully misuse the opportunity, the suit is liable to be dismissed for non-prosecution. Here, the Plaintiff side has misused the liberty on several occasions, given by the court and unnecessarily delaying and dragging the proceeding. The conduct of the Plaintiff side as reflected from the order sheet, is not worthy enough. Therefore, the Plaintiff 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 plaintiff side shows that he 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,
14.05.2025

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