

Misc Appeal No.49 of 2022
C.N.R. No. WBJP01-001201-2022

Order No.28, dated – 18.11.2025.

Today is fixed for SR/ AD & hearing of ex-parte vacating petition.

Hazira has been filed on behalf of the appellant and also for the contesting respondent through their respective Ld. Advocate.

Now the application for vacating order of ex-parte hearing against respondent No.1 is taken up for consideration.

Same is heard and considered.

Upon perusal of the application and after going through the record and considering the submission on behalf of the respective side, it appears to this Court that causes as shown in the petition appear to be bonafide and it also appears that there is no deliberate latches and negligence on the part of the respondent No.1 for not taking steps on the date fixed.

In view of that, this Court is inclined to allow prayer for vacating order of ex-parte hearing.

None appears on behalf of respondent No.2.

From the record, it appears that summon has not been issued upon respondent No.3 to 6.

Office is directed to issue the same forthwith.

Next date be fixed for SR /AD and appearance of the respondent Nos.3 to 6 and to file W.O. if any, in respect of application under order 39 Rule 1 & 2 of C.P.C. as filed on behalf of the appellant.

Fix **14.01.2026** for SR /AD and appearance of the respondents and to file W.O. if any, in respect of application under order 39 Rule 1 & 2 of C.P.C. as filed on behalf of the appellant.

Dictated & Corrected by me

District Judge, Jalpaiguri
(WB01135)

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