

T. S. - 168 / 2021

Order No. 14

10.06.2024

Ld. Advocate for the plaintiff is present and files *hazira*.

Ld. Advocate for the defendants is present and files *hazira*.

This day is fixed for hearing petition filed by the defendants.

Ld. Advocate for the defendants moves the petitions fixed for hearing today.

Ld. Advocate for the plaintiff raises objection. He prays for cost.

Heard. Considered.

Ld. Advocate for the defendants filed the following petitions on 31.08.2023 :

1. A petition supported by affidavit praying for vacation of *ex parte* order against them.
2. A petition supported by affidavit praying for acceptance of the Written Statement at a belated stage.
3. Show cause.

From the contents of the petitions filed by the defendants on 31.08.2023 it appears that they intend to contest the suit. For the interest of justice and proper adjudication of the case they should be allowed to contest. However, hardship caused to the plaintiff due to the negligent act of defendants should be compensated by way of cost. The *ex parte* order against defendants is hereby vacated with cost of Rs 500/- payable to the plaintiff. Delay caused in filing W.S. by the defendants is condoned and the same is accepted subject to payment of cost.

Fix 04.10.2024 for payment of cost by defendants and framing of issues.

Dictated & Corrected by me,

**C.J.Sr.Divn.
JPG
J.O. Code – WB 01151**

**Civil Judge, Senior Division,
Jalpaiguri
J.O. Code – WB 01151**