

Present : Shri B. Bhattacharjee (JO-WB00640)
District Judge, Murshidabad

Order No.22 dated 07.06.2023

The appellants as well as the respondent No.2 file separate haziras through their respective Ld. Advocates.

This day is fixed for hearing the petitions dated 25.11.2022 filed by the respondents praying for vacating the ex parte order and for shifting the case from argument board.

Ld. Advocate for the respective parties are present.

Both the petitions dated 25.11.2022, filed by the respondent No.2 praying for vacating the ex parte order and for shifting the case from argument board are taken up for hearing.

Perused the petitions. Heard both sides.

Considered.

The Ld. Advocate, appearing for the respondent No.2 submitted that he has already filed written objection to the petition U/s.5 of Limitation Act and due to illness of the respondent No.2, he could not appear before the Court for which the application U/s.5 of Limitation Act was heard ex parte and he prays for vacating the said order by giving opportunity to the respondent No.2 to contest the application U/s.5 of Limitation Act.

On the other hand, The Ld. Advocate, appearing for the appellants, frankly submitted that he has got no objection if the show cause petition is accepted and the case record is shifted from the argument board.

Having heard the Ld. Advocates, appearing for the respective parties, without going into the merit of the case, I think that justice will be sub served if the respondent No.2 is allowed to contest the application U/s.5 of Limitation Act.

Hence, it is

O r d e r e d

that the show cause petition filed by the respondent No.2 dated 25.11.2022 is accepted.

The Order No. 11 dated 22.09.2021, passed by this Court is hereby recalled.

Let the application U/s.5 of Limitation Act be heard on merit.

It appears from the case record that the copy of the written objection against the petition U/s.5 of Limitation Act has already been served upon the appellants.

Accordingly, fix 18.08.2023 for hearing the application U/s.5 of Limitation Act on merit in presence of the respective parties.

Appellants are at liberty to produce their witness on the date fixed.

Inform both sides.

Dictd. & Cortd.
by me.

D. J.

District Judge, Murshidabad