

Order No. 19

Dated 20.11.2017

Today is fixed for hearing of the petition U/s 151, C.P.C upon payment of cost of Rs. 100/- by the defendants to the plaintiff.

Parties file lawyer's hazira.

Plaintiff files receipt in respect of payment of cost of Rs. 100/-. Let the same be kept with the record.

A W.O has been filed by the plaintiff against the petition U/s 151, C.P.C. Copy served. Let the same be kept with the record also.

Now, the petition U/s 151, C.P.C is taken up for hearing.

Heard both sides.

Perused the instant petition as well as W.O.

Considered.

It seems that on 13.06.2017, the defendant was found absent on calls. Although a lawyer's hazira was filed by him. Despite repeated calls, none appeared for the defendant.

PW 1 Sri Sattyanarayan Sen was present before the Court to adduce his evidence. As none was present on behalf of the defendant, the Court proceeded with the examination of PW 1 in the absence of the other side. Certain documents were also exhibited. By filing the instant petition, the defendant has stated that if he is not given the opportunity to cross examine the concerned witness, he shall be highly prejudiced. Furthermore, there was no laches on part of the innocent defendant in this context.

In the interest of justice and for proper adjudication of the instant suit, I deem it prudent to allow the prayer of the defendant.

(Contd....)

However, the defendant is strictly cautioned to remain vigilant from this day onwards. The Court also finds it appropriate to impose a cost of Rs. 200/- in connection with the harassment caused to the plaintiff.

Hence it is

ORDERED

That the petition U/s 151, C.P.C dated 10.08.2017 be and the same is allowed on contest.

Fix 06.02.2018 for cross examination of PW 1 on recall.

Sd/- Fatima Firdaus
Civil Judge (Jr. Divn.)
Nabadwip, Nadia