

**Order no. 37, dt. 27.08.2025**

Both the parties are present through their Ld. Advocates. The appellant has filed an adjournment petition for filing amended memo of appeal. Let it be kept with the record.

As fixed the record is taken up for hearing the two petitions dt. 31.07.2025 for setting aside the order no. 36 dt.31.07.2025 for hearing the appeal exparte and re-calling the order no. 36 dt.31.07.2025 allowing the amendment of the memo of appeal.

Heard both sides.

Perused the record.

The Ld. Advocate for the appellant raised no objection against these two petitions.

The Ld. Advocate for the respondent submitted that on 31.07.2025 while the Court was busy in recording evidence in a session case had asked the Ld. Advocate for the respondent to come at 4:00 p.m. but soon after the said session case the appellant moved their application dt. 14.08.2018 and got a favourable order in their favour without informing the Court that the court has asked the respondent to come at 4:00 p.m. However just after passing order on 31.07.2025, the respondent has filed two petition for setting aside the order no. 36 dt.31.07.2025 for hearing the appeal exparte and re-calling the order no. 36 dt.31.07.2025 for allowing the amendment of the memo of appeal. So, he prays for necessary order to which the Ld. Advocate for the appellant raised no objection.

It is pertinent to mention that this court does not fix expart hearing of appeal. This court disposed the application dt. 14.08.2018 exparte without curtailing the right of the respondent to contest the appeal. So, the petition dt. 31.07.2025 for setting aside the order for hearing the appeal exparte calls for no order and the petition dt. 31.07.2025 for re-calling the order no. 36 dt.31.07.2025 for allowing the amendment of the memo of appeal is allowed on consent of both the parties.

Hence, it is

**o r d e r e d**

that the instant petition dt. 31.07.2025 for re-calling the order no. 36 dt.31.07.2025 for allowing the amendment of the memo of appeal is considered and allowed on consent of both parties. Let the order no. 36 dt. 31.07.2025 be re-called.

To 10.09.2025 for hearing the petition dt. 14.08.2018 afresh.

The appellant's today's adjournment petition calls for no order.

D/C by me.

A.D.J., FTC 3<sup>rd</sup> Court, Basirhat.

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