

Later 26-03-2019

Today is fixed for hearing of show-cause petition filed by the plaintiff on 16.01.2019 and acceptance of W/S filed by the defendant and hearing of the petition dated 16.01.2019.

Both parties filed haziras. Ld. Advocate for both sides are present before the Court.

By filing the petition dated 16.01.2019 along with a copy of W/S showing to be filed on 24.07.2018, the defendant stated before the Court that the previous conducting Advocate for the defendant prepared the W/S in which the defendant put their signature and took remuneration for the same but ultimately it was found after appointment of subsequent lawyer that the W/S was not filed and there is no lacuna on the part of the defendant who were under impression that W/S had been duly filed.

Perused the petition. It appears from the record that defendant appeared in this suit on 17.07.2018. The Ld. Advocate for the plaintiff admitted before the Court that she got the copy of previous W/S. The facts and circumstances as placed before this Court and the document i.e. the copy of W/S showing to be filed on 24.07.2018 shows that inspite of due diligence the defendants failed to file W/S on time due to the reason may be the conduct of the previous lawyer.

The cause shown by the defendant is sufficient and W/S is hereby accepted.

Hence it is,

O R D E R E D,

that the petition filed by the defendant dated 16.01.2019 is allowed.

The W/S is hereby is accepted. The copy of W/S filed by the defendant dated 16.01.2019 has already served upon the plaintiff. As per the prayer of the defendant, the Ld. Advocate for the plaintiff is directed to server the copy of injunction petition to the plaintiff.

Fix **30-04-2019** for injunction hearing. Plaintiff is directed to serve the copy to the defendant as per order.

D/c by me

CJ (Jr. Divn.)
Bidhannagar

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