

The Court of the Civil Judge (Jr. Divn.), Bidhannagar, North 24 Parganas
Present: Dhrubajyoti Bhattacharyya, Civil Judge (Jr. Divn.), Bidhannagar

J.O.CODE WB 1177

Title Suit No. 333/2007

C.I.S. No. 333 of 2007

WBNP18-001300-2007

Order dt. 17.10.2023.

This date is fixed awaiting report of the Commissioner and hearing of injunction application.

The defendant has filed memorandum of attendance. Plaintiff is absent on the ground of illness. A document has been produced showing that the plaintiff has been admitted in the hospital on 16.10.2023. An application has been filed for the extension of the ad interim order of injunction. This court has heard Ld. Counsels of both sides.

It appears from that on 19.01.2022, Ld. Advocate Faruk Khan was appointed as commissioner to hold local investigation and the plaintiff was directed to pay Rs. 5000/- as fees for the commissioner. It appears from the memorandum of proceeding dated 04.04.2023, Ld advocate for the plaintiff has submitted that the plaintiff had already paid the fees of the commissioner. No document to that effect has however been filed. In the circumstances this court finds that no step has been taken on behalf of the plaintiff to comply the order dated 19.01.2022. 22 months have elapsed since then. It was directed by order dated 16.11.2022 that if the plaintiff does not make submissions in connection with application for temporary injunction on the day next, the ad interim order will be vacated.

Prayer for adjournment is granted. However in terms of the order dated 16.11.2022 ad interim order is vacated on this date. As the plaintiff has failed to pay the fees for the commissioner, no date shall be fixed awaiting the report of the commissioner.

Fix **17.01.2024** for hearing of the application u/s XXXIX Rule 1 and 2, parties are directed to come ready. Absentee party shall be deemed heard on the said application. Ordered accordingly.