

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

Present: Dhrubajyoti Bhattacharyya,
Civil Judge (Junior Division),
Bidhannagar, North 24 Parganas

EJ Suit No. 65 of 2012.

CIS No. 65 of 2012

Order, Bidhannagar, dated the 16th August, 2023.

This date is fixed for hearing on the application for vacating the order of ex parte hearing of the suit. The defendant is absent without taking any step. The plaintiff has filed memorandum of appearance and has filed W.O to the prayer for vacating the order of ex parte hearing. This Court has heard Ld. Counsel for the plaintiff. In the application for vacating the order of ex parte hearing the defendant has signified his intention to pay cost of Rs.3000/-. He has also stated that owing to the transfer of the suit his absence from the court was not intentional act. In the W.O the plaintiff has raised objection to the plea made by the defendant on the ground that defendant had been trying to procrastinate the matter and prevent the Court from honouring the judgment delivered by the Hon'ble High Court at Calcutta directing an expeditious hearing of the matter. On perusal of the record this Court is of the cogitated opinion that it is evident from the absence of defendant from the hearing that defendant has no intention to contest the matter on merit and he is rather intending to prolong the judicial process preventing a logical outcome thereof. The defendant should bear for the compensation for causing loss of Judge's hour by filing frivolous application.

Hence it is

ORDERED

that the application praying for vacating the order of ex parte hearing preferred by the defendant, be and the same is dismissed with cost of Rs.3000/- to be paid by the defendant to the SDLSC, Bidhannagar. Let a copy of this order be sent to SDLSC, Bidhannagar for information and necessary action.

Fix 28.11.2023 for hearing of argument ex parte.

Civil Judge (Jr. Divn.)
Bidhannagar