

Ejectment Suit 55 of 2022

[CNR WBPS01 000742 2022]

Before – Sonia Majumdar- Ld. Chief Judge_

Order No:-08.

14/12/2022.

Today is fixed for hearing of petition filed by defendant no-2 dated 14-09-2022.

Plaintiff files hazira. No steps taken by defendant no-1. Defendant no-2 files hazira. Defendant no-2 also files a petition praying for adjournment on the ground stated therein.

On call, plaintiff is found present through his Ld. Advocate. But on repeated, calls , neither defendant no-1 nor his Ld. Advocate appears.

Ld. Advocate for the defendant no-2 submitted that due to unavoidable circumstances, he is not able to conduct the case and prayed for adjournment.

Against this, strong objection has been raised by the Ld Advocate for the plaintiff. It is submitted that defendants are intentionally harassing the plaintiff. Plaintiff has filed the suit on the ground of reasonable requirement and the plaintiff is suffering for want of accommodation . He prayed for passing necessary order.

Heard both sides.

It appears from Order No-5 dated 06/06/2022, that suit was already proceeding ex-parte against defendant no-1.

So far the petition filed by the defendant no-2 praying for adjournment is concerned, it reveals from Order No-4 dated 20-04-2022 that this defendant no-2 namely Nazia Perveen, who was originally a 3rd party, has been impleaded as defendant no-2 in this suit on the strength of her application dated 20-04-2022, which was allowed by this Court on the same date and she was specifically directed to file Written Statement at the earliest.

p.t.o....

Record reveals that on the next date , ie on 06-06-2022, defendant no-2 prayed for adjournment and the same was allowed. But today again, the defendant no-2 came up with petition for adjournment.

Record further reveals that from the date of impleading as defendant no-2 in the suit on 20-04-2022, the statutory time limit for filing W/S has already expired for defendant no-2.

Considering such factual aspect of the matter, the petition for adjournment filed by defendant no-2 cannot be considered and thus rejected. The suit shall proceed ex-parte against both the defendants.

Fix **07-02-2023**) for ex-parte hearing of the suit.

Chief Judge.

J.O .Code:- WB 01128