

**Ejectment Suit No. 47 of 2016**  
**C.N.R No. WBPS01-000121-2016**

**Order No.44**

**Dated 14.05.2024 :**

Today is fixed for exparte hearing. Plaintiff is present and files attendance.

At this stage one petition has been filed on behalf of the defendant of the suit with a prayer for vacating the order vide which the suit was fixed on exparte mode against the defendant.

Copy served.

The said petition is taken up for hearing.

Heard both sides. Perused the record.

Considered.

It appears that the defendant has filed the written statement which was accepted on 13.11.2019 and he is willing to contest the suit. Though the defendant has come up with the written statement at much delayed stage of the suit and the provision of section-7(3) of the W.B.P.T Act has come into play but the defendant can still contest the suit and it is always better that a suit is disposed of in contested manner. So this Court is inclined to allow the prayer of the defendant.

Hence the prayer for vacating the order no.38 dated 02.09.2022 fixing the suit on ex-parte mode is hereby vacated with cost of Rs.2000/- payable to the plaintiff.

Copy of the written examination in chief of the plaintiff is served upon the Ld. Advocate for the defendant.

Fix 15.07.2024 for payment of cost and evidence.

Typed, Corrected and Printed by me.

Judge, Bench-4  
PSCC, Calcutta  
J.O Code WB01174

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