

Ejectment Suit 119 of 2022

[CNR WBPS01 000183 2022]

Before – Sonia Majumdar- Ld. Chief Judge.

Order No:-12.

15/12/2022.

Today is fixed for hearing of petition u/s 7(1) & 7(2) of W.B.P T Act dated 18-06-2022 and hearing of petition u/s -151 of C.P.C read with Section 5 of Limitation Act dt 12-07-2022 praying for condonation of delay of 43 days in filing the petition u/s 7(1) & 7(2) of W.B.P T Act, and also hearing of petition u/s 151 of C.P.C read with Section 5 of Limitation Act filed today praying for condonation of delay of 21 days in filing the W/S by the defendant and consideration of acceptance of W/S. W/O if any in the mean time.

Record further reveals that on 21-11-2022, on the strength of a put up petition, plaintiff had filed W/Os against the petitions u/s 7(1) & 7(2) of W.B.P T Act as well as a petition u/o-11 Rules 15 and 21 read with Section 151 of C.P Code which is also fixed today for consideration.

On close scrutiny of the case record reveals that on 20-09-2022, plaintiff had filed two separate applications, one u/o XXXIX Rule 7 read with section 151 of C.P. Code praying for appointment of Ld. Advocate Commissioner and another petition u/o XI Rule 1 read with section 30 of C. P. Code praying for leave to deliver interrogatory to the defendant as required u/o- XI Rule 4 of C.P Code , which has not been fixed for hearing.

Plaintiff files hazira. Defendant files a petition praying for adjournment on the ground stated therein. Parties are found present on call. The matter is taken up for hearing.

Ld. Advocate for the defendant submitted that the Ld. senior Advocate is suffering from cold , flue and fever and is unable to attend Court today, as such, defendant is praying for adjournment for this day.

p.t.o....

Ld. Advocate for the plaintiff raised strong objection against the adjournment prayed by the defendant.

Heard both sides. Perused the petition and materials on record.

For ends of justice, prayer for time is considered and allowed for this day only. Defendant is directed to come ready positively on the next date as no further time shall be granted.

To **(21-02-2023)** for hearing of petition u/s 7(1) & 7(2) of W.B.P T Act dated 18-06-2022 and hearing of petition u/s -151 of C.P.C read with Section 5 of Limitation Act dt 12-07-2022 praying for condonation of delay of 43 days in filing the petition u/s 7(1) & 7(2) of W.B.P T Act, and also hearing of petition u/s 151 of C.P.C read with Section 5 of Limitation Act filed today praying for condonation of delay of 21 days in filing the W/S by the defendant and consideration of acceptance of W/S as well as for hearing of plaintiff's petition dt 20-09-2022 filed u/o XXXIX Rule 7 read with section 151 of C.P. Code praying for appointment of Ld. Advocate Commissioner and another petition dt 20-09-2022 filed u/o XI Rule 1 read with section 30 of C. P. Code praying for leave to deliver interrogatory to the defendant as required u/o- XI Rule 4 of C.P Code , W/Os if any in the mean time .

Chief Judge.

J.O .Code:- WB 01128