

Ej Suit 119 of 2022
WBPS01-000183-2022

Before: Smt. Sudipa Banerjee, Ld. Judge, 3rd Bench

Order No: 22

Date: 20-09-2023

Today is fixed for appearance of the parties.

Plaintiff files hazira.

Defendant no 1 files hazira and a petition for not pressing the petition under Section 7 (1) and 7 (2) of WBPT Act and the petition under Section 5 of the L. Act r/w Section 151 of the C.P.C. Copy not served but attached.

Instant petition is taken up for consideration.

Heard Ld. Advocate for the defendant. Perused the petition and materials on record.

Considered.

On careful perusal of the case record it appears that, on 18.06.2022, defendant has filed both the petitions under Section 7 (1) and 7 (2) of WBPT Act and on 12.07.2022 defendant has filed another petition under Section 5 of the L. Act for condonation of delay in filing the petitions under Section 7 (1) and 7 (2) of WBPT Act. The said petitions has not been disposed of yet. Now, the defendant no 1 has come up with an application for not pressing the aforesaid petitions filed by him. No objection has been raised from the side of the plaintiff.

Considering the facts, this Court finds no impediment to allow the petition filed by the defendant no 1 on this day.

Defendant no 1 is permitted to 'Not Press' the petitions under Section 7 (1) and 7 (2) of WBPT Act dt. 18.06.2022 and the petition under Section 5 of the L. Act dt. 12.07.2022 filed by the defendant no 1 at his own risk.

At this stage, Ld. Advocate for the defendant 'Not Pressed' the petitions under Section 7 (1) and 7 (2) of WBPT Act dt. 18.06.2022 and the petition under Section 5 of the L. Act dt. 12.07.2022 filed by the defendant no 1.

Fix 19-12-2023 for hearing of the petition under Section 151 of the C.P.C. r/w Section 5 of the L. Act dt. 25.08.2022 filed by the defendant and hearing of the petition under Order XXXIX Rule 7 r/w Section 151 of the C.P.C. dt. 20.09.2022 and the petition under Order XI Rule 1 r/w Section 30 of C.P.C. dt. 20.09.2022 filed by the plaintiff. W/o if any, in the mean time.

Sudipa Banerjee
[J.O. Code: WB01148]
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta