

EJ 280 OF 2014 (6321 OF 2014)
CNR NO. WBPS01-000430-2014

ORDER NO.55 dt.05/05/2026

Today is fixed for peremptory hearing and filing costs receipt.

Both parties file their respective hajiras.

At this stage defendant files a petition praying for a direction upon the plaintiff to issue fresh cheque of Rs.2000/- in favour of the defendant as the cost amount in terms of the order no.51 dt.04/09/2025.

Copy not served.

The petition filed by the defendant is annexed with the cheque being no.009167 of Bank of Baroda amounting Rs.2000/-.

Heard Ld. Counsel for the defendant at length.

It appears that this Court vide order no.51 dt.04/09/2025 was pleased to direct the plaintiff to pay cost of Rs.2000/- to the defendant and in compliance of the aforesaid order defendant handed over a cheque for the amount of Rs.2000/- to the Ld. Advocate for the defendant which appears from order being no.53 dt.28/01/2026.

It is the submission of Ld. Counsel for the defendant that the cheque handed over to the defendant has expired the statutory period of three months and accordingly the same cannot be en-cashed.

On perusal of the record it appears that the cheque being no.009167 of Bank of Baroda amounting Rs.2000/- handed over to the Ld. Counsel for the defendant on 28/01/2026 and a date of the cheque was 21/11/2025.

It reveals that when the cheque was handed to the Ld. Counsel for the defendant it was well within the statutory period of three month and it was due to the laches on the part of the defendant the cheque could not be en-cashed.

Ld. Counsel for the defendant at the time receiving of the said cheque was well aware of the aforesaid date and at this stage due to laches on his part cannot take the plea that the same cannot be en-cashed due to the fact that the validity of the statutory period is over.

Accordingly at that stage I find no ground to allow the petition filed by the defendant which is hereby considered and stand rejected. As it is admitted by the defendant that cheque has been handed over to the defendant by the plaintiff but the same could not be en-cashed

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as such I find that there is no further requirement of filing costs receipt.

Fixing 20/07/2026 for P. hearing.

D/C by me

Judge, Bench-4,
Presidency Small Cause Court

Judge, Bench-4,
J.O. Code no. WB01232