

Ejectment Execution Case 73 of 2014.
[Arising out of Ejectment Suit 100 of 2009]
[CNR No. WBPS01 001535-2014]
Before – Ashutosh Kumar Singh- Ld. Chief Judge.

83.

22/01/2025.

Today is fixed for awaiting order in Misc Case 109 of 2021.

Decree-holder files hazira.

Parties are found present at the of hearing.

Heard submissions from the parties.

Perused the case record.

Record reveals that a Misc Case being no 109 of 2021 filed u/s 47 of C.P Code dt 24/04/2017 is pending against this execution proceeding and said Misc Case has not yet been disposed of and no final order has been passed.

Accordingly , fix (28/02/2025.) for awaiting order from Misc Case 109 of 2021.

Dictated & corrected

by me :-

Chief Judge.

J.O .Code:- WB 01244.

Misc Case 109 of 2021.
[Arising out of Ej Execution Case 73 of 2014]
[u/s 47 of C.P Code]
[CNR No. WBPS01 000473-2021]
Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-82.

22/01/2025.

Today is fixed for hearing of the Misc Case as last chance and filing receipt showing payment of cost by the petitioner with further direction upon the petitioner come ready for hearing positively, in default, the matter shall be heard and disposed of on merit on the basis of material available on record in absence of the petitioner.

Today O.P files hazira.

Petitioner files a petition praying for adjournment on the ground stated therein. Copy served. Objection endorsed.

On call, parties are found present.

The petition for adjournment filed by the petitioner is taken up for hearing.

Ld. Advocate appearing for the petitioner submitted that petitioner has gone to his native place in Bihar due to the death of his elder son and was detained there , as such could not come today, for which adjournment is prayed today by the petitioner.

On the other hand, Ld. Advocate for the O.P raised vehement objection and submitted that no copy of death certificate has been filed by the petitioner to substantiate the factum of purported death of the elder son of the defendant as pleaded by the petitioner. Further vide Order dated 24-09-2024, while allowing the show cause petition of the petitioner dt 18-06-2024, this Court has imposed a cost of Rs 2,000/- upon the petitioner which the petitioner has not been paid to the O.P as yet. He prayed for rejection of the prayer for adjournment.

Ld. Advocate for the petitioner at this stage submitted that he undertakes to pay the cost imposed vide order dt 24-09-2024 by today itself to the O.P.

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

For ends of justice, adjournment as prayed by the petitioner is allowed for this day only .

Fix (**28/02/2025**).for hearing of the Misc Case.

Both parties are directed to come ready on the next date of hearing positively as no further time shall be granted under any circumstances.

Dictated & corrected

by me :-

Chief Judge.
J.O .Code:- WB 01244.

Later :-

Now it is 11:40 A.M.

Petitioner files photocopy of receipt showing payment of cost. Let the same be kept with the case record.

Dictated & corrected

by me :-

Chief Judge.
J.O .Code:- WB 01244.

