

Ej Suit 146 of 2018
WBPS01-000425-2018

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

Order No: 37

Date: 19-03-2024

Today is fixed for showing cause by the defendant.

Plaintiff files hazira.

Defendant files a show cause petition .

Instant show cause petition filed by the defendant is taken up for consideration.

Heard. Perused the petition and materials on record.

Considered.

Cause shown in the petition is found cogent and the same may be accepted as sufficient.

Hence, the show cause petition filed by the defendant this day is hereby allowed subject to payment of cost of ₹ 500/- (C.P.) payable by the defendant to the plaintiff.

Record reveals that, vide order no 34 dt. 05.02.2024 this Court had passed an order to vacate the order of ex-parte hearing of the suit upon imposing a cost of ₹ 1000/- (C.P.) payable by the defendant to the plaintiff.

Till today, no receipt showing payment of cost has been filed by the defendant this day.

Defendant is further directed to pay the total sum of ₹ 1500/- (C.P.) to the plaintiff by next date failing which the suit shall be heard ex-parte.

On careful perusal of the case record, it appears that on 05.12.2019 defendant had filed one petition under Order 14 Rule 2 r/w Section 151 of the C.P.C. seeking order to frame the preliminary issue with regard to landlord and tenant relationship and dispose the said preliminary issue. Vide order no 33 dt. 12.12.2023 this Court passed a specific order to the effect that -

contd....

Ej Suit 146 of 2018
WBPS01-000425-2018

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

Order No: 37 contd....

Date: 19-03-2024

“the fact regarding landlord-tenant relationship and the rate of rent are kept open for adjudication during the course of main trial in the light of the evidence to be recorded in the present case”

Under such facts and circumstances, the petition under Order 14 Rule 2 r/w Section 151 of the C.P.C. filed by the defendant dt. 05.12.2019 has become infructuous and the same calls for no order.

Fix 03-05-2024 for framing of issues and filing receipt showing payment of cost by the defendant.

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

Later:

Order No: 37

Date: 19-03-2024

After passing the aforesaid order, defendant files a money receipt by firisthi showing payment of cost. Let the same be kept with the record.

Todate (03-05-2024).

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