

Miscellaneous Case No. 84 of 2008(1250 of 2014)
C.N.R No. WBPS01-001313-2007

Order No.96

Dated 18.08.2025 :

Today is fixed for exparte hearing of the miscellaneous case. Both the parties file separate attendance through their respective Ld. Advocates.

The petitioners file a petition under Order XXII Rule 10 of the C.P.C.

At this stage opposite party files a petition with a prayer for an Order recalling the Order dated 27.02.2025 vide which the case was fixed on exparte mode against the opposite party.

Ld. Advocate for the opposite party submitted that he will not press the petition dated 10.07.2025.

Accordingly the petition dated 10.07.2025 filed by the opposite party is rejected as not pressed.

Both the parties to the suit serve the copy of the respective petitions upon each other.

Now the record is taken up for hearing of the petition filed by the opposite party today.

Heard the Ld. Advocate for both the sides. Perused the case record.

Considered.

It is stated by the opposite party that on 28.02.2025 when the case was called for hearing none could move before the Court on behalf of the opposite party and no steps could be taken on his behalf, because he was suffering from illness and he could not contact with his Ld. Advocate. It seems that there was no latches on the part of the opposite party. Apart from that it is always better to dispose of a case in contested manner. So this Court thinks that the opposite party shall be given another opportunity to contest the case.

Accordingly the prayer of the opposite party is allowed.

Let the Order no.90 dated 27.02.2025 be recalled only to the extent of fixing the case on exparte mode against the opposite party.

The Ld. Advocate for the opposite party prayed for time to file written objection against the petition under Order XXII Rule 10 of the C.P.C, filed by the petitioner.

The prayer is allowed.

Fix 17-09-2025 for hearing of the petition under Order XXII Rule 10 of the C.P.C.

Typed, Corrected and Printed by me.

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174

EJ Exe 250 of 2007
C.N.R No. WBPS01-001312-2007

Order No.97

Dated 18.08.2025

To 17-09-2025 for further Order.

Typed, Corrected and Printed by me.

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174

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J.O Code WB01174