

Ejectment Suit 271 of 2023.

[CNR No WBPS 01 000472 2022]

Before – Sonia Majumdar- Ld. Chief Judge.

Order No:-07.

03-04-2023.

Today is fixed for acceptance of Written Statement filed by the defendant on 04-01-2023 and filing of challans /documents showing payment of arrear and current rent together with filing of vakalatnama by the defendant. To date is also fixed for consideration of show cause petition filed by the defendant on 16-02-2023.

Both parties file haziras. Defendant files vakalatnama with no objection endorsement of the previous Ld. Advocate. Vakalatnama is accepted and be kept with the case record. Defendant also files a petition praying for time for filing challans on the ground stated therein. Parties are found present on call. The show cause petition dt 16/02/2023 filed by the defendant is taken up for hearing.

The contentions made out by the defendant in his show cause petition dt 16-02-2023 in brief is that the Ld. Senior Counsel of the defendant was ill from the period from 14/12/2022 to 02/01/2023, and recovered from illness from 04-01-2023. As a result, W/S could not be filed with the stipulated time and there was a delay of 11 days in filing of the Written Statement. Therefore, by filing the instant petition defendant is praying for accepting Written Statement after condonation of delay.

Ld. Advocate for the plaintiff has raised strong objection.

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

As per bailiff report , son of the defendant received summons on 23-08-2022 and the defendant entered appearance in the suit on 17-09-2022 but the W/S has been filed by the defendant only on 04/01/2023.

p.t.o.....

So, there was delay in the Written Statement. However, in order to give the defendant a fair chance to contest the suit on merit and for the ends of substantial justice, the show cause petition filed by the defendant is allowed but subject to payment of cost of Rs 2,00/-

Hence,

it is

Ordered

that the show cause petition dated 16/02/2023 filed by the defendant is considered and allowed but subject to payment of cost of Rs.200/- payable by the defendant to the plaintiff. W/S is accepted.

The case is adjourned on the prayer of the defendant.

Fix..(**21-06-2023**) for filing of challans /documents showing payment of arrear and current rent by the defendant and also filing receipt showing payment of cost by the defendant in terms of order dt 03/04/2023.

Chief Judge.

J.O .Code:- WB 01128.