

Misc. Case No. 167 of 2023

WBPS01-000643-2023

[under Order 21 Rule 97 of C.P.C. r/w Rule 208 of C.R.O.]

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

Date: 08-08-2024

Today is fixed for ex-parte hearing of the Misc. Case.

Petitioner files hazira.

Opposite party appears in the Misc. Case by filing vokalatnama and a petition for vacating the order of ex-parte hearing and another petition for service of copy of the Misc. Application upon the opposite party.

On perusal of the vokalatnama filed by the opposite party, it appears that no Court fee has been affixed on the same.

Opposite party is directed to file Court fee on the next date.

Now, the petitions filed by the opposite party is taken up for hearing.

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

Considered.

Record reveals that on 20.07.2024 opposite party did not take any step, as such this Court passed an order to fix the Misc. Case for ex-parte hearing vide order dt. 20.07.2024. Today, the opposite party has appeared in the Misc. Case and filed the instant application for taking off the suit from ex-parte hearing board. Ld. Advocate for the petitioner raised verbal objection against the instant application filed by the opposite party.

Considering the facts and circumstances, this Court is of the view that opposite party should be given an opportunity to contest the Misc. Case.

Accordingly, the petition dt. 08.08.2024 filed by the opposite party is hereby allowed.

Let the Misc. Case be taken off from ex-parte hearing board. Order dt. 20.07.2024 is hereby recall to that extent.

contd.....

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Petition for service of copy of the Misc. Case application upon the opposite party is also allowed.

Petitioner is directed to serve copy of the instant Misc. Case application upon the opposite party by next date and file an affidavit of service on the next date.

Fix **17-09-2024** for hearing of the Misc. Case, w/o if any, in the mean time and filing of Court fee by the opposite party.

Sudipa Banerjee

[J.O. Code: WB01148]

Judge, 3rd Bench

Presidency Small Cause Court,
Calcutta