

Order no.26 dt. 30/04/18

Parties file hazira.

Today is fixed for order in connection with petition u/s 151 CPC praying for recalling the order dt.27/03/17 on the ground that the defendant was present on the said date since she was hospitalised.

The background of this petition is that the plaintiff filed the present suit for eviction of the defendant and the defendant entered appearance and filed the petition u/s 7 (2) of W.B.P.T. Act.

On 07/09/2016, it appears that the adjournment petition of the defendant was rejected as a prior cost of Rs.1500/- was not paid. The petition u/s 7 (2) was fixed for order on 16/11/16 and ultimately such order was passed on 27/03/17. By the present petition filed on 18/07/17 defendant prays for recall of the said order and has filed medical document pertaining to 19/02/17 and 14/02/17, 08/02/17. There is no justification for not paying the cost for which adjournment petition was rejected on 07/09/16. There is no explanation for delay in filing this petition. I find that the same is nothing but in expression of dilatory practice of the defendant. Moreover, no documents in support of the claim raised in the petition u/s 7 (2) of W.B.P.T. Act has also been filed.

Accordingly, the petition is rejected.

To 16/08/18 for P.H.

D/C by me

Judge, 4th Bench

Judge

