

EJECTMENT SUIT NO. 521 of 2015
CNR NO. WBPS01-001303-2015
Registration No. Ej. - 521 of 2015

Order No. 36

18.09.2021

Today is fixed for show cause to the plaintiff as to why the suit shall not be dismissed for default.

The Ld. Advocate for the plaintiff filed show cause.

The Ld. Advocate for the defendant filed a petition U/o-39, rule-7 r/w section 151 of C.P.C. and he also filed a petition u/s 151 of the C.P.C. separately.

Copy served and objected by the Ld. Advocate for the plaintiff.

Heard. Perused.

The petition for show cause filed by the plaintiff/petitioner is taken up for hearing in presence of both sides.

The Ld. Advocate for the plaintiff filed the show cause stating that on 15.03.2021 the petitioners/plaintiff could not attend this Court due to his illness but did not place before this Court any scrap of medical document in support of his contention. Secondly, it appears that one Ratul Ghosh verified the show cause petition and Sri Ratul Ghosh claimed that he is Constituted Attorney of the plaintiff. If that be so, this Court failed to understand as to why the Constituted Attorney of the plaintiff i.e. Sri Ratul Ghosh did not appear before this Court on 15.03.2021 to take any steps on behalf of the plaintiff. Thus, the petition for show cause does not appear before this Court to be satisfactory enough to accept the same.

Under the circumstances, this Court has no option but to reject the show cause filed by the plaintiff/petitioner at this stage.

Hence, the show cause as shown by the plaintiff/petitioner stands rejected on contest. The petitions filed by the Ld. Advocate for the defendants be kept with the record.

Consequently, the instant suit is hereby dismissed for default.

Hence it is,

O R D E R E D,

That the instant suit be and the same is hereby dismissed for default on contest without any order as to cost.

The instant suit is hereby disposed of.

Dictated and corrected by me:

Sangram Saha
J.O. Code: WB 1037
Judge, Presidency Small Cause Court,
3rd Bench, Kolkata