

Misc Case 109 of 2021.
[Arising out of Ej Execution Case 73 of 2014]
[u/s 47 of C.P Code]
[CNR No. WBPS01 000473-2021]
Before – Ashutosh Kumar Singh- Ld. Chief Judge.

78.

24-09-2024.

Today is fixed for consideration of show cause petition filed by the petitioner on 18-06-2024.

O.P files hazira.

Petitioner files a petition praying for adjournment on the ground stated therein.

On call, Ld. Advocate for the O.P is found present.

But on repeated calls, neither the petitioner nor anybody on his behalf turned up. It is now 11:45 A.M.

None moved the adjournment petition filed by the petitioner today.

Accordingly, the same stands rejected being not-moved.

Now, the show cause petition filed by the petitioner dated 18-06-2024 is taken up consideration.

Ld. Advocate for the O.P submitted that the after getting defeat at every Higher Forum before the Ld. City Civil Court as well as before the Hon'ble High Court, Calcutta , the J/Dr- Petitioner lastly had filed the instant Misc Case u/s 47 of C.P.C just to stall the Execution of the decree . He further submitted that the petitioner is deliberately and intentionally harassing the O.P- decree holder. He prayed for passing necessary order.

Heard submissions from the O.P.

Perused the petition dt 18-06-2024.

The cause shown by the petitioner for his non-appearance on 20-03-2024 as shown in the petition are that the petitioner was away from home on account of death of his native relative as well as did not know the date due to non-entry in the diary of the Ld. Advocate, all are neither convincing nor very cogent grounds.

Record further reveals that on the date filing of the show cause petition by the petitioner , ie on 18-06-2024, as well as on the next date ie 16-08-2024, neither the petitioner nor his Ld. Advocate turned up .

However, for ends of substantial justice, the show cause petition dt 16-08-2024 filed by the petitioner is allowed but subject to payment of cost of Rs 2,000/- payable by the petitioner to the O.P .

Accordingly, fix (**26/11/2024**) hearing of the Misc Case as last chance and filing receipt showing payment of cost.

Petitioner is directed to come ready for hearing on the date fixed positively, in default, the matter shall be heard and disposed of on merit on the basis of material available on record in absence of the petitioner .

Dictated & corrected

by me :-

Chief Judge.
J.O .Code:- WB 01244.

contd....

Ejectment Execution Case 73 of 2014.
[Arising out of Ejectment Suit 100 of 2009]
[CNR No. WBPS01 001535-2014]
Before – Ashutosh Kumar Singh- Ld. Chief Judge.

79.

24-09-2024.

Today is fixed for hearing of the execution case.

No steps taken by the parties.

Ld. Advocate for the decree-holder is present at the time of call.

Heard submissions from the decree-holder. Perused the materials on record.

Record reveals that a Misc Case being no 109 of 2021 filed u/s 47 of C.P Code dt 24/04/2017 is pending and the same has not yet been disposed of.

Accordingly , fix (**26/11/2024**) for awaiting order from Misc Case 109 of 2021.

Dictated & corrected

by me :-

Chief Judge.

J.O .Code:- WB 01244.