

EJECTMENT SUIT NO.118 OF 2005[476/2014]
(C.N.R NO. WBPS01- 001876-2005)
Before: Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

Order No.141
10.04.2025

Today is fixed for hearing of the petition dated 09.05.2024 filed by the defendant praying for recalling the order dated 14.03.2024 and filing amended plaint.

Both parties file hazira.

Plaintiffs file amended copy of plaint. Copy served.

Let it be kept with the record.

Now the record is taken up for hearing of the petition dated 09.05.2014 filed by defendant.

Heard Ld. Advocates. Perused the petition and the materials available on record.

By filing this petition defendant has prayed for recalling the order dated 14.03.2024. It is stated by the defendant that a Civil Revisional application being no. C.O. 2505 of 2022 is pending for disposal and record was placed before the Ld. Judge-in-charge on 14.03.2024 and in absence of the Ld. Advocate for the defendant the order was passed . So the defendant prays for recalling of the order and permission to adduce evidence. Ld. Advocate for the plaintiffs submit that several chances were given by the Learned court to give evidence by the defendant but defendant followed dilatory tactics to delay the hearing of the suit and no stay order was granted by the Hon'ble High Court in C.O. no. 2505 of 2022.

Considered the petition and submission of the Ld. Advocate for both sides and materials on record. I think for proper adjudication of the suit the defendant may be given an opportunity to defend his case by adducing evidence from his side. His defence has not been struck out. It is necessary to look into his evidence, if any to arrive at a just decision in the case. However the defendant must be subjected to cost for causing delay in the trial of the suit knowing that the suit is already 20 years old. Hence , it is

ORDERED

that the petition dated 09.05.2024 filed by the defendant is hereby allowed subject to payment of cost of Rs. 5,000/- to be paid to the D.L.S.A., Kolkata by the defendant.

Defendant is allowed to adduce evidence on his behalf. Order dated 14.03.2024 is modified accordingly.

Fix 12.06.2025 for filing receipt showing payment of cost of Rs. 5,000/- by the defendant towards D.L.S.A., Kolkata and evidence of defendant.

Dictated & corrected by me

Judge
[5th Bench]

Judge,
[5th Bench]