

Ej. Suit No. 112/2022
C.N.R. no. WBSP09-000775-2022
J.O. Code WB01422

Order no. 21 dated 25.09.2024:

Today is fixed for hearing of the applications under Sec. 151 of C.P.C. and filing W/O if any.

Ld. Advocate for the defendant has filed hazira.

Ld. Advocate for the plaintiff has filed hazira.

All the applications under Sec. 151 of C.P.C. are taken up for hearing.

Ld. Advocate for the defendant contents that some documents along with an affidavit were not filed during the course of hearing of the application under Order 7 Rule 11 of C.P.C. and as such, the said documents along with the affidavit are to be taken into consideration while passing the order of the application under Order 7 Rule 11 of C.P.C.

On this score, Ld. Advocate for the plaintiff has vehemently objected and stated that the documents filed by the defendant is not liable to be considered while passing the order of the application under Order 7 Rule 11 of C.P.C. as only the plaint and the annexures filed by the plaintiff are required to be considered by this Court while disposing the aforesaid application.

Ld. Advocate for the plaintiff in his application under Sec. 151 of C.P.C. has stated that the defendant intentionally has deposited the cost through challan and thus, has not complied the order dated 23.07.2024.

Heard. Considered.

Perusal of the record as well as the applications reveal that the defendant was directed on 23.07.2024 to pay the cost to the plaintiff and accordingly the cost was paid in favour of the plaintiff through challan which seems to be just and proper. As such, the application filed by the plaintiff is hereby rejected on contest.

Further, this Court thinks that the relevancy of document filed by the defendant on 04.09.2024 cannot be decided at this point of time and as such, the application under Sec. 151 of C.P.C. filed by the defendant is hereby rejected.

Thus, I.A. 06/2024 and 08/2024 are disposed of accordingly (I.A. 07/2024 was wrongly filed and hence, deleted).

To 05.10.2024 for passing order with respect of the application under Order 7 Rule 11 of the C.P.C.

Sd/-

Civil Judge, (Jr. Div), Addl. Court, Sealdah