

CNR No: WBSP01
Present: Subhra Som Ghosal
J.O Code: WB00984
Civil Revision 03/2018

Order No. 38
Dated: 17.11.2023

Both the parties have been duly represented by filing haziras through their respective Ld. Advocates.

A petition supported by affidavit has been filed by the Petitioner praying for extension of the stay order dated 08.03.2018.

As stipulated by the previous order, today is fixed for hearing of the petition dated 21.11.2022 & filing W/O.

An adjournment petition has been filed on behalf of the Petitioner on the grounds stated therein.

On call, Ld. Advocates for both the parties are found to be present.

Ld. Advocate for the OP raised objection to the adjournment prayer manifesting the grounds that the Petitioner has been intentionally delaying the further proceedings of this case.

Ld. Advocate for the Petitioner submitted that in the petition dated 22.11.2022, the OP has specifically averred that after the death of Petitioner no. 1, there is no other legal heir apart from Petitioner no. 2 but this fact is absolutely false and in order to bring the actual facts before this Court, certain documents are required for which the adjournment prayer has been made today.

Heard.

Considering the above facts, the prayer for adjournment is allowed as last chance and hearing of the case is adjourned.

As far as the prayer for extension of the stay order dated 08.03.2018 is concerned, the Ld. Advocate for the OP raised objection to such petition on the ground that after the death of Petitioner no. 1, there has been no effective step taken by the Petitioner and for that reason, the present proceeding is defective and hence, no extension can be granted in such defective proceeding.

Ld. Advocate for the Petitioner in order to espouse the cause of granting extension of the stay order dated 08.03.2018, submitted that the Petitioner no. 2 is still contesting and if no extension is granted, in that eventuality, the present proceeding shall become infructuous.

Considering the above aspects, I find that the Petitioner should be granted an opportunity to ventilate his case before this Court and in order to effectively do the same, the stay order which was previously granted on 08.03.2018 needs to be extended.

Hence, based on the above delineations, the prayer u/s 151 CPC praying for extension of the stay order dated 08.03.2018 is allowed. The stay as granted vide order dated 08.03.2018 is hereby extended till the next date.

It is made clear by this order that no further adjournment will be allowed on the next date and if any prayer to that effect is made, in that event, the stay granted vide order dated 08.03.2018 shall be vacated.

Fix **20.01.2024** for hearing of the petition dated 22.11.2022. W/O if any, to be filed in the meantime as last chance.

Dictated & Corrected

by me

Sd/-

A.D.J

1st Court, Alipore

Sd/-

Addl. District Judge

1st Court, Alipore