

Present: Subhra Som Ghosal
J.O Code: WB00984
MAC Case No: 1097 of 2018
CNR No: WBSP01-017636-2018

Order No.18, dated: 09-02-2024

The Applicant is present by filing hazira through his learned advocate.

As stipulated by the previous order today is fixed for filing of W/S by O.P No.2 as last chance and filing W/S by O.P No.1.

On call learned advocate for the applicant and learned advocate for the O.P. No.2 are found present.

Learned advocate for O.P No.2 files a petition praying for time for filing of written statement.

The Ld. Advocate for the Applicant submitted that the Opposite parties are not diligently proceeding with this case and they have not filed their written statement although sufficient opportunity was given to them. It was further submitted that today also the opposite parties have not filed WS and hence the case may be fixed for ex parte hearing against the opposite parties.

Perused the case record staying alive to the point raised and prayer advanced.

On perusal, it transpires that previously, the date was fixed for filing of WS. In this case the opposite parties have appeared on 03.11.2022 and thereafter they have not filed the written statement. Several opportunities have been given to them to file W/S but today the O.P No.1 and O.P No.2 are absent without any steps and no written statement has been filed by either of the opposite parties.

In view of the laggardness axiomatic from the case record as well as the mandate of law as enumerated in Order V Rule 01 and Order VIII of the Code of Civil Procedure, the case shall proceeding ex parte against the opposite party No. 01 and 02 or else the claim of the petitioners will be defeated by delay.

To 20-04-2024 for ex parte hearing.

Typed to the dictation directly;

corrected on the system.

Sd/-S.S Ghosal

Additional District and Sessions Judge,
1st Court, Alipore,
South 24 parganas.

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