

T.S 101 of 2015 (R- 202/2015)

Order no. 57 dated 25.01.2016

Today is fixed for P Hearing of the suit. Plaintiff filed a petition for adjournment. Defendant raised no objection and therefore the suit is adjourned till next date.

The Ld Advocate of the defendant by supplying a copy of the order of the Hon'ble High Court, passed in C.O. No. 2410 of 2009 and submits that the order of the Ld Additional District Judge, Sealdah passed in Misc Appeal No. 116 of 2008 was stayed by the Hon'ble Court vide the order dated 01.02.2011 is stayed. She further submits that the said stay was passed in connection to this suit.

On perusal of the record which was originally numbered as T.S 57/2008 in the transferor court has no record of such stay order of the Hon'ble Court and therefore this court cannot be presumed to be barred in proceeding of this suit. There is no order of the Honourable Court over this suit.

There is an administrative order of the Hon'ble Court that unless there is any stay order of the Hon'ble Court, this court cannot stop proceeding automatically and the court has to proceed according to law. There is no stay order over this court in connection to this case record and this court shall be duty bound to proceed in this suit unless there is any stay order from the Hon'ble Court in connection to this suit.

Plaintiff and defendant is therefore directed to take necessary step accordingly. If on next date, there is no stay of proceeding over this suit passed by the Hon'ble Court, this court will be duty bound to proceed in view of the order of the Hon'ble Court. Informed in open court.

Fixing 29.02.2016 for Peremptory Hearing of the suit. Discovery in the meantime.

S/D

Judge, SCC, Sealdah

T.S 80/2015 (R-190 of 2015)

Order no. 28 of 25.01.2016

Today is fixed for payment of cost and further order. Parties files hazira but Ld Advocate of the defendant is not found present on repeated call till 12.32 p.m. Ld Advocate of the plaintiff submits that he is ready with cost to pay but the defendant is not present and is unable to pay the same.

Perused the case record and orders passed in transferor court.

Fixing 15.02.2016 for P.Hearing of the suit. Plaintiff and defendant must come prepared and ready.

T.S 87 of 2015 (R- )

Order no. dated 25.01.2016

Today is fixed for exparte hearing of the suit. Plaintiff took no step is taken from the side of the plaintiff and on repeated call none appeared for the plaintiff.

It appears that plaintiff is not interested to proceed in this suit. There will be no justification to let this suit continue in diary.

Hence the suit is dismissed for default of the plaintiff. D/A to note.

Typed by me

Judge, Small Causes Court

Sealdah

Judge, SCC, Sealdah

T.S. 31/2015 (R- 173/2015)

Order no. 23 dated 25.0.2016

Today is fixed for hearing petition for amendment of the plaint. Ld Advocates of the both sides are present. Heard Ld Advocates of the both sides. Considered.

Ld Advocate of the defendant submits that the amendment so prayed for is incomplete as by deleting the Part-II of the Schedule A of the plaint keeping the same in other portion of the plaint.

Ld Advocate of the plaintiff submits that by deleting the Part II in the Schedule A of the plaint, he wants to clarify that there is no such property for the consideration of the court during passing of the judgement and decree and will not change the nature and character of the suit.

I have gone through the amendment petition filed under Order VI rule 17 C.P.C supported by Affidavit. There is simple prayer for deletion of Part-II from the Schedule A resulting that the schedule A shall consist of Part I and Part III only. There are also necessity of the amendment of those portions of the plaint where that "Part II" is mentioned. If this amendment is allowed, it will complicate the plaint with abovementioned infirmities and if those were not amended, the result of amendment will not give any fruit. The entire exercise of the plaintiff will be futile adventure creating complications to the court in proper disposal of this suit.

Hence it is,

Ordered

that the prayer for amendment of plaint filed by plaintiff under order VI rule 17 C.P.C is rejected on contest and without cost.

Fixing 09.02.2016 for necessary steps from the side of the plaintiff