

Act. VIII No. 08/2018
(CIS-2/18)
(CNR No. WBSP070021742018)
(J.O. No. WB00702)

Order No. 28 Dated: 02/12/2021

Today is fixed for hearing of a petition dt.04.10.2021 filed by the defendants/OPs praying for vacating the order of ex-parte hearing which was ordered by this court vide order No.22 dt.19.12.2020.

Perused the petition. Heard Ld. Advocate of both sides.

Ld. Advocate for the defendants submitted before this court that due to the prolong lockdown arising out of Covid-19, the defendants are/were not in a position to appear before this court to contest the case and as a result, the predecessor of this court was pleased to pass an order fixing the matter as ex-parte hearing. Ld. Advocate humbly prayed before this court for setting aside the order of ex-parte hearing. Ld. Advocate for the plaintiff raised strong objection against the instant petition and submitted in open court that there is no satisfactory reason for the non-appearance of the defendants to contest in this case. He further submitted that nothing prevented the respondents to appear before this court and they are taking a delatory tactics.

Considering the submission and the rival submission of the Ld. Advocates of both sides and on perusal of the record, it reveals that the order has been passed on 19.12.2020 and thereafter, due to the resolution taken by the Bar, no adverse order has been passed. It further reveals from the record that on 04.06.2021, the petitioner also remained absent and did not take steps. Considering the above facts and circumstances and on perusal of the petition filed by the defendants, it appears to me that there are sufficient reasons for non-appearance of the defendants before this court to contest the instant case. Accordingly, I find no bar to set aside the order for ex-parte hearing of this case.

Hence, it is,

ORDERED

that the order being No.22 dt.12.09.2020 fixing the matter for ex-parte hearing is hereby vacated on contest but without cost. Let the instant case be fixed for evidence. Both the parties do come ready with their case on the next date fixed.

Fixing 08.02.2022 for evidence of the petitioner's side (PWs).

Dicttd & Corttd by me

Addl. District Judge,
2nd Court, Sealdah.

(Bibhas Chatterjee)
Additional District Judge
2nd Court, Sealdah