

T.S. 25/2017 (R.25/17)

Order no.31 dated 12.03.2019

Today is fixed for evidence of P.W.1. Defendant files a petition praying for adjournment on the ground stated therein. Heard. Considered and the prayer is allowed.

On 20.02.2019 Applicants Nathun Prasad Shaw and Pravati Shaw filed an application under section 151 CPC praying for recalling order dated 07.02.2019, which is taken up for hearing today. Heard Ld. Advocate for the applicants as well as Ld. Advocate for the plaintiff. Perused the application as well as other materials on the record. Considered.

The applicants filed an application under Order 1 Rule 10(2) CPC on 30.08.2018, which was rejected on 07.02.2019 as none moved. Ld. Advocate for the applicants submits that due to posting of wrong date in the Advocate's diary, no step could be taken on the date fixed. Hence, prayer is made for recalling the order dated 07.02.2019 and fixing a date for hearing of the said petition under Order 1 Rule 10(2) CPC. Ld. Advocate for the plaintiff does not raise objection, but submits for imposing cost. Considering the same, the prayer of the applicants vide their petition dated 20.02.2019 is allowed with cost of Rs.500/- (C.P.). On payment of such cost, the earlier order dated 07.02.2019 rejecting the application under Order 1 Rule 10 CPC shall stand recalled, but on the failure to pay cost the petition dated 20.02.2019 shall stand rejected.

Fix 08.04.2019 for payment of cost and hearing of the petition under Order 1 Rule 10(2) CPC dated 30.08.2018.

Fix for commission report.

Typed by,

Civil Judge (Sr. Divn.),
S.C.C., Sealdah.

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S.C.C., Sealdah.