

In the Court of Judicial Magistrate (2nd Court)
Diamond Harbour, South 24 Parganas (WB)
Present: Smt. Priyanka Zimba, WBJs (WB01293)

M 86/2022

Order dated 08-11-2024

Today is fixed for Exparte hearing.

Parties file their respective haziras.

Petitioner files a petition of intimation of change of salary of the O.P.

Let it be kept with the case record.

O.P files a petition praying for vacating the order of exparte hearing of the case against him.

Heard Ld. Advocate for both sides in full.

On perusal of the case record it appears that the matter proceeded exparte against the O.P on 04-07-2024 on the stage of evidence. It further appears that the case was proceeding exparte prior to the said date since long but even after he exparte hearing was vacated and the interim order was passed, the O.P again remained absent without steps. As such, the conduct of the O.P so far is very poor. However, since contesting is the rule and exparte is an exception, I find that the O.P should be given one last opportunity but for the delay caused in the case and also for the poor conduct of the O.P, the petitioner is entitled to get cost.

Hence, it is,

ORDERED

That the petition for vacating the order of exparte hearing of the case against the O.P is considered and allowed on contest on payment of cost of Rs.2000/- to the Petitioner.

Fix 25-04-2025 for evidence and filing receipt of payment of cost by the O.P.

D/C

JM 2nd Court DDH

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(J O C o d e : W B 0 1 2 9 3)