

T.S. 229 OF 2022

JO Code: 000823

Reg. 205 of 2022

Order No. 08

Date:05 .04.23

Today is fixed for filing replies by defendants no. 1 and 2.

Defendants no. 1 and 2 did not file any reply hence, they are debarred from taking the plea of non-joinder of necessary parties.

Defendant no. 3 files WS and the same is accepted.

Plaintiff files another application u/o. 11 r. 2 and 4 CPC.

The application u/o 11 r. 2 & 4 of CPC filed this day by the plaintiff is taken up for hearing.

The Ld. Advocate on behalf of the plaintiff submits that the defendant no. 3 has stated in his written statement that the suit is bad for non-joinder of necessary parties he therefore prays that the interrogatories be allowed and the defendant no. 3 be directed to furnish the names of the necessary parties.

Prayer is considered and allowed.

Defendant no. 3 is directed to furnish the names of the necessary parties.

To 12.04.2023 for filing all relevant documents.

D/C

Sd/- Sushmita Gayen
ACJM-cum-CJSD, Kakdwip

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The record is put up on the strength of a put up petition filed by the defendant no. 7.

The Id advocate on behalf of the defendant no. 7 submits that since there was no specific order to repair the attached structure also so, the Id advocate commissioner did not allow the repair of the adjacent structure and prays that the defendant no. 7 be permitted to repair the adjacent structure also.

Prayer is considered and allowed.

Defendant no. 7 is permitted to repair the adjacent structure on the same condition as was imposed vide order no. 97 dated 27.02.2023.

To date.

D/C

ACJM-cum-CJSD, Kakdwip

ACJM-cum-CJSD, Kakdwip

JO Code: 000823

Order No. 100

Date: 22.03.23

Today is fixed for SR and appearance.

It appears that requisites were issued on 27.02.2023 and since then considerable time has passed hence, I am compelled to proceed Article 27 of General Clauses Act and presume that there has been proper service and that the defendants no. 8 is not interested to proceed with the suit. Hence, the suit do proceed ex parte against defendant no. 8.

I find that there is specific order of the Hon'ble High Court to dispose of the suit within a period of one and a half year after disposal of all petitions. Such order was passed on 10.03.2022 and all petitions were disposed on 23.02.2023 and hence, I am inclined to take up the record on a day to day basis for hearing.

The record is taken up for framing of issues.

Issues are framed in separate sheets of paper and kept with the record.

Fix 24.03.2023 for PH. It may be noted that no time will be allowed to any of the parties on any condition including resolution of the Bar.

D/C

ACJM-cum-CJSD, Kakdwip

ACJM-cum-CJSD, Kakdwip