

26.03.2021
Court No. 19
Item No.28
CP

C.O. 215 of 2020

Suresh Chandra Sarkar & ors.
vs.
Dulal Chandra Prasad Saha & anr.

Mr. Nilanjan Adhikari

.....for the petitioners.

This revisional application arises out of an order dated December 5, 2019, passed by the learned Civil Judge (Junior Division) at Islampur, Uttar Dinajpur, in connection with O.C. Suit 14 of 2011.

The petitioners are aggrieved because the show cause filed by the defendants was accepted by the learned court below and the reasons shown were found to be satisfactory and the order fixing the suit for ex parte hearing was vacated subject to payment of Rs. 2800/-.

The reasons assigned by the defendants in the application as to why steps were not taken by them was family disputes. The incidents of such family disputes have been elaborately stated in the application which the learned court below has accepted to be sufficient cause for the delay in filing the show cause.

It appears that the amended plaint was filed sometime in September, 2018. Thereafter the evidence of PW-1 was going on.

Under such circumstances, I do not find any irregularity in the order impugned as this delay on the part of the defendants has not caused the plaintiffs any irreparable loss and injury and the suit was continuing.

With the above observation the revisional application is disposed of without any interference. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)