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**C.O. 1170 of 2021**

Sk. Sefayet Ali & Ors  
Versus  
Sk. Bahaluddin & Ors

(Via Video conference)

Mr. Ziaul Haque,  
... For the Petitioners.

The revisional application is directed against order dated 19<sup>th</sup> February, 2021 passed in Title Suit No. 290 of 2015 by learned Civil Judge (Senior Division), Haldia directing removal of materials kept in plot No. 2183 with the assistance of local police personnel, and the same is subject of challenge in this revisional application.

Learned advocate for the petitioner submits that petitioners already entered their respective appearance in the suit now pending before the Court below, and filed their written statement to challenge the claim involved in the plaint filed by the plaintiffs. Subsequently, for some misconception, they did not participate in the suit and in consequence thereof the suit have been directed to be proceeded ex parte, as against the petitioners by order dated 28<sup>th</sup> January, 2020. Learned advocate for the petitioners further submits that the removal of materials partly falls within the land belonging to the petitioners, and

as such the petitioners have been made to suffer prejudice.

Learned Court below proceeded to pass the impugned order directing removal of the materials kept in plot No. 2183 upon receiving the report of the local inspection commissioner, wherefrom it appears before the Court below that materials had been gathered on the murram over the plot No. 2183, which created hindrance to the plaintiff's right of ingress and egress to their house through the pathway.

Since by order dated 20<sup>th</sup> January, 2020 the suit has been directed to be proceeded ex parte as against petitioners, shown in the Cause Title, no relief, as proposed, can be made available at this stage from this Court. It is for the petitioners to take appropriate steps in accordance with law for setting aside the ex parte order passed on 20<sup>th</sup> January, 2020 taking out an appropriate application before the Court below, and if any such application is taken out, otherwise not barred under the provisions of law, the same shall be disposed of in accordance with provisions of law providing sufficient opportunity of hearing to either of the parties to this case.

Since a small point is involved in this case, service upon the opposite parties is not necessary,

and accordingly dispensed with.

With these observations, the revisional applications stands disposed of.

There shall be no order as to costs.

**(Subhasis Dasgupta, J)**