

57,DL,Ct.18
23.09.2021
A.J.

C.O. 1656 of 2021
(Through Video Conference)

Sri Nagendra Lal Dhar
-Vs-
Smt. Shanati Devi Mantry

Mr. Tapan Sil.

... for the petitioner.

The plaintiff of the Ejectment Suit No. 25 of 2019 pending before the learned Civil Judge (Junior Division) at Bidhannagar, District 24-Parganas (North) is the petitioner of the present revisional application under Article 227 of the Constitution of India.

The petitioner complains that the learned Trial Judge is not proceeding with the suit ex-parte against the defendant even when the defendant has failed to file the written statement within the period prescribed under Order VIII Rule 1 of the Code of Civil Procedure.

The petitioner prays for a direction upon the learned Trial Judge for ex-parte expeditious disposal of the said suit.

The plaintiff/petitioner is always at liberty to apply before the learned Trial Judge for pronouncement of judgment under Order VIII Rule 10 of the Code for the failure of the defendant to file written statement within the time

prescribed under Order VIII Rule 1 thereof; therefore, the direction as prayed for, at this stage, is not warranted.

C.O. 1656 of 2021 is disposed of with the above observation without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)