

13.12.2021
Ct. 21
D/L 90
AKG

C.O. 1782 of 2021
(Via Video Conference)

HP India Sales Pvt. Ltd
-Vs-
Sujoy Kumar Basu.

Mr. Ajay Choubey,
Mr. Abhimanyu Sandilya

... for the petitioner

Mr. Pradyut Banerjee

...For the opposite party no. 1.

The petitioner files affidavit of service along with postal receipt along with track report showing due service.

Learned Advocates for both sides are present. The revisional application is taken up for hearing.

This revisional application is directed against the order passed by Civil Judge (Senior Division) 2nd Court, Barasat in Title Suit No. 951 of 2018 on 26.03.2021 and whereby the Learned Court below refused to accept the acceptance petition filed along with the W.S being verified by one law clerk named Dilip Bhattacharya of Barasat Court, who is not acquainted with the facts and circumstances of the case.

However, Learned Advocate appearing for the opposite party submits the defect as pointed out by the Learned Court below is a curable defect and he has no objection if the revisional application is allowed with a direction to the defendant to rectify the defect by filing a verified application by the authorized representative of the defendant company. He further submits that

necessary direction may be given to the Learned Court below for expeditious disposal of the case.

In view of the submission made by Learned Advocate for the opposite party the revisional application is allowed and impugned order is set aside with a direction to the petitioner to file proper application duly verified by authorized representative of the defendant company in the Court below within a week from this day. The Learned court below is further directed to dispose of all the pending applications as early as possible.

Accordingly, the revisional application being **C.O.1782 of 2021** is disposed of.

Interim order, if any, stands discharged.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(**Kesang Doma Bhutia, J.**)