

S/L 13
26.02.2021
Court. No. 19
GB

C.O. 2613 of 2019

Kanai Mandi & Ors.
Vs.
Sri Dilip Mandal & Ors.

(Through Video Conference)

Mr. Sujit Bhunia.

...for the Petitioners.

*Mr. Nilanjan Bhattacharjee,
Mr. Aniruddha Karmakar.*

...for the Opposite Parties.

This revisional application has been filed by the plaintiff in Title Suit No.772 of 2016, being aggrieved by an order dated February 19, 2019 passed by the learned Civil Judge (Senior Division), 1st Court, Midnapore.

By the order impugned the learned court below rejected an application filed by the plaintiff/petitioner to deposit the *ad valorem* court fees beyond the period fixed by this Court. The learned court below rejected the said application on the ground that once the High Court had directed the court fees to be paid within a certain date, the learned court below could not extend the time period and accordingly the suit was dismissed.

Having considered the reason assigned by the plaintiff for not being able to deposit the money within the time fixed by the Court, i.e., death of the learned senior advocate appearing on behalf of the plaintiff, this Court is of the

opinion that for the ends of justice, the plaintiff should be given one last chance to deposit the *ad valorem* court fees as directed by this Court within a period of four weeks from date mandatorily.

If the said amount is deposited in the learned court below as directed, the suit shall be restored to its original file and number. The learned court below shall proceed with the suit in accordance with law.

In case of default, the suit shall not revive.

This Court has not gone into the merits of the case of the petitioner and the learned court below shall proceed in accordance with law.

The parties are directed to act on the basis of the server copy of this order.

The revisional application is disposed of. The order impugned is set aside.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)