

22.12.2021
Ct. 21
D/L 88
ab

C.O. 2076 of 2021
(Via Video Conference)

Jagjeet Singh Kohil
-Vs-
Chetki Properties Pvt. Ltd.

Mr. Rahul Karmakar,
Mr. Emon Bhattacharyya,
... for the petitioner

Mr. Rahul Karmakar, learned advocate appears for the petitioner.

The learned advocate for the petitioner files affidavit of service showing due service on the opposite party.

No one appears from the side of the opposite party. The revisional application is taken up for hearing.

Being aggrieved by the order of rejection of show cause petition and also a petition for setting aside the case from ex-parte hearing against the present petitioner by the learned Civil Judge (Senior Division), 2nd Court at Alipore in Title Suit No. 50 of 2016 on 10.09.2021, the defendant/petitioner has filed the present revisional application.

From the materials on record, it is seen that Hon'ble Division of this Hon'ble Court in F.M.A.T 377 of 2019 on 09.08.2019 was pleased to grant liberty to the defendant/petitioner to file written statement within a fortnight from date, failing which, no further time would be granted.

From the order impugned, it is seen that the defendant/petitioner had already filed the written statement on 13.02.2019, i.e. long before Hon'ble Division Bench had given him permission to file written statement in FMAT No. 377 of 2019 on 09.08.2019. Therefore, this Court fails to find any reason what prevented the learned Court below to accept the written statement filed by the defendant/petitioner on 13.02.2019 and setting aside the case from ex-parte baord.

Thus this Court holds the order impugned suffers from material irregularities and the same is liable to be set aside.

Accordingly, the revisional application being **C.O. 2076 of 2021** is allowed.

Connected application, if any, stands disposed of.

Interim order, if any, stands discharged.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

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