

S/L 27
12.09.2022
Court. No. 652
GB

C.O. 1100 of 2020
With
CAN 1 of 2022

Ashok Kumar Nagpuria
VS
Smt. Krishna Bagchi & Anr.

Mr. Supratim Laha.

...for the Petitioner.

Mr. Ashim Kr. Roy.

...for the Opposite Parties.

The petitioner has challenged an order dated January 24, 2020 passed by the learned Civil Judge (Senior Division), 2nd Court at Barasat, by which the defendants' prayer for vacating ex parte hearing and to take of the suit from ex parte, board were rejected. In the present revisional application the petitioner has prayed that an opportunity may be given so that he can contest the suit.

Mr. Ashim Kr. Roy, learned advocate appearing on behalf of the opposite parties did not raise serious objection against the prayer made in the revisional application. He however submits that the learned trial court may be directed to dispose of the entire proceeding within a time frame.

Having considered the aforesaid facts and circumstances of the case, and that if the defendant is allowed to contest in the suit as prayed for, the highest prejudice that may cause to plaintiff will be that the suit will be disposed off on merit after hearing both the parties and nothing more and as such the order dated January 24, 2020 is hereby set aside. Filing of pleadings to be completed by the

parties within a period of two weeks from the date of communication of order and after completion of pleadings the learned trial court is directed to frame issues on the basis of the pleadings submitted by the parties, within a period of six weeks thereafter.

The learned trial court is further directed to make every endeavour for expeditious disposal of the suit and to conclude the proceeding, preferably within a period of one year from the date of framing of the issues.

Accordingly, C.O. 1100 of 2020 along with CAN 1 of 2022 is disposed of.

However, there will be no order as to costs.

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

(Ajoy Kumar Mukherjee, J.)