

72 18.07.2022
 SB Ct. No. 8

F.M.A.T. 327 of 2008
 with
 CAN 1 of 2008
 +
 CAN 2 of 2008
 +
 CAN 3 of 2012

In the matter of : Nirban Chandra Halder

This matter appeared in the warning list on 6th July, 2022 and continued to appear in the list until it was transferred to the daily cause list today.

None appears on behalf of the appellant, nor any accommodation is prayed for on behalf of the appellant.

The appeal is arising out of a Misc. Case No. 10 of 2003 filed by the appellant for recalling of an ex parte decree. The appellant is defendant in the original suit. Record reveals that the respondent contested the suit till 3rd February 2003 and thereafter did not contest the proceeding at all. The evidence of the plaintiff was completed on 3rd February, 2003 and on 20th February 2003 the date was fixed for evidence of D.W. Since then the D.W. did not appear and contest the proceeding. The explanation offered for non-appearance on the date fixed by the learned Trial Court for further evidence have not been sufficiently explained.

We do not find any reason to interfere with the said order.

Accordingly, the appeal and applications are dismissed without any order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)