

16.10.2023
Court No. 19
Item no.15
CP

C.O. No. 661 of 2023

Sri Arun Kumar Panja & ors.
Vs.
Sri Bimal Panja

Mr. Uddipan Banerjee
.....for the petitioners.

This court does not find any reason to interfere with the order dated January 20, 2023, passed by the learned Civil Judge (Junior Division), 2nd Court at Uluberia in Title Suit No. 64 of 2021.

By the said order, the learned court below upon payment of cost of Rs.300/- allowed an application filed by the defendant upon recalling the order by which the suit was fixed for ex parte hearing. The written statement was also accepted.

The learned advocate for the plaintiffs/petitioners allege that the learned court did not allow any opportunity to the plaintiffs to contest the said application. The learned advocate for the plaintiffs was unwell and thus, absent.

Considering the nature of the application and the order passed, this court is of the view that for the ends of justice, the learned court below rightly accepted the written statement and removed the suit

from the ex parte board. Cost was also awarded in favour of the defendant.

The learned court below has already fixed a date for framing of issues.

This court is of the view that issues should be framed expeditiously and the suit should be disposed of within a year from the next date fixed.

This court has not expressed any opinion on the merit of the claim of the petitioners.

A copy of this order be served upon the opposite party and/or the learned advocate contesting the matter on behalf of the opposite party in the learned court below expeditiously.

The revisional application is disposed of without any interference.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)