

12.07.2023
Sl. No.6(DL)
srm

C.O. No. 3853 of 2022

Smt. Sarala Mahato & Ors.

Versus

Smt. Anguri Mahato & Ors.

Mr. Chittapriya Ghosh,
Mr. Kuntal Ray,
Ms. Priyanka Saha

...for the Petitioners.

Mr. Falguni Bandyopadhyay,
Ms. Riya Ballav

...for the Opposite Parties.

This revisional application has been filed challenging the order dated November 30, 2022 passed by the learned Civil Judge (Junior Division), 2nd Court at Purulia, in Title Suit No.72 of 2008.

By the order impugned, the learned court below refused to accept the cost which was sought to be deposited by challan upon condoning the delay in making such deposit. Learned court below was also of the view that the Hon'ble High Court had directed that the amended copy of the plaint be accepted upon the petitioners paying cost of Rs.25,000/- to the opposite parties within the second week after reopening of the court after Puja vacation. As the amount of Rs.25,000/- was not paid to the opposite parties within the time framed by the High

Court, the learned court below held that the time could not be extended and hence the amended plaint could not be accepted by condoning the delay in payment of the cost to the opposite parties.

This Court is of the view that as the High Court had made a time bound order whereby, the petitioners were asked to pay the cost to the opposite parties within two weeks after reopening of the court after the Puja vacation, the learned court below did not have any jurisdiction to extend the time as it would amount to interfering with the order of the High Court. Thus, there is no illegality in the order impugned, but for the ends of justice, an unintentional delay in payment of the cost, should not prejudice the petitioners as the petitioners had showed all good intentions to pay the cost as directed by the High Court.

In order to avoid future complications, this Court directs the petitioners to pay the cost of Rs.25,000/- to the opposite parties directly or through bank transfer, to the bank account of the opposite parties, within one week. The opposite parties shall intimate the bank account number to the petitioners through the learned respective Advocate, within 48 hours. A receipt shall be issued in case of acceptance of the cost by cash. In case of electronic transmission through the bank, the

transaction receipt shall be proof of payment. The learned court below shall accept such receipt upon compliance of the order on the next date fixed.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)