

14-08-2023
Court No.3
bm/mg/54.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

**C.O. 56 of 2023
WITH
IA No. CAN 1 of 2023**

**MAMATA GOSWAMI
Vs.
DILPALI SHIL AND ORS.**

Mr. Nabankur Paul
Mr. Abhishek Sarkar
Mr. Sagnik Bhowmick
... for the OP.

The challenge herein is the Order dated 4.5.2023 whereby the application of the petitioner filed under Order VI Rule 7 of the Code of Civil Procedure was allowed with cost of Rs.5,000/-. Apart from this the trial Court also awarded cost of Rs.1,000/- for withdrawal of the suit from peremptory board.

The petitioner's grievance is Order of payment of cost. On perusal of the annexures it appears that the suit was fixed for peremptory hearing and at that time some minor typographical errors were noticed by the plaintiff/ petitioner. Had the petitioner

been duly diligent, such errors could have been detected much earlier. But it is for this belated application and taking away matter from such peremptory board, such cost was imposed.

Interference is not called for.

Accordingly, the application stands dismissed on merit.

(SUGATO MAJUMDAR, J.)